

Chapter LXXXVIII.

SPECIAL ORDERS.

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3152. Special orders are made either by vote of the House on a report from the Committee on Rules, by suspension of the rules, or by unanimous consent.

History of the evolution of the special order as made on a report from the Committee on Rules.

Special orders have been in use in the House from the early days, but the method of making them has not always been the same. Often they were made by unanimous consent, and sometimes this method is used at the present time. If there was objection they were made by a suspension of the rules, which was in order more frequently in the earlier years than at present. This method was cumbersome, since on any question which involved party differences the attempt was very likely to fail.⁶ In 1882,⁷ in the first session of the Forty-seventh Congress, it was the usage, and apparently the only method in a case where there was opposition, to offer under motion to suspend the rules a resolution providing for consideration of a bill at a given time. This required a two-thirds vote, and a minority would sometimes refuse consent to the order until they had exacted terms as to kinds of amend-

¹ Before adoption of rules may be offered from floor by Member. Sections 4971, 5450 of Vol. V.

² See also functions of Committee on Rules. Sections 6769–6781 of Vol. V.

³ May be superseded by a question of privilege. Section 2554 of Vol. III.

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⁴ See also section 4958 of Vol. V.

⁵ Special order for considering impeachment of President Johnson. Section 2414 of Vol. III.

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⁶ See an instance in 1879. (Third session Forty-fifth Congress, Record, pp. 1166, 1167.)

⁷ First session Forty-seventh Congress, Record, pp. 2534, 2956, 3473–3475.

ments that should be permitted, etc. Thus, on April 3, 1882, a resolution was offered to fix a time for consideration of the bill (H. R. 4167) to enable national banking associations to extend their corporate existence, but failed to command a two-thirds vote, there being yeas 122, nays 78. Again, April 17, it was tried and failed. Finally on May 1 the resolution was offered with provisions for amendment to placate some of the minority and was agreed to, yeas 150, nays 65.

On June 5, 1882,¹ Mr. John H. Reagan, of Texas, proposed a special order providing for consideration of the interstate-commerce bill. It was offered under suspension of rules, no other way being known at that time, and was defeated, yeas 121, nays 78.

In the same way, on July 17, 1882,² the House, by a vote of yeas 102, nays 76, failed to agree to a special order offered from the floor by direction of the Committee on Territories, providing a time for consideration of a bill for the admission of Dakota as a State.

It was in the second session of the Forty-seventh Congress, in 1883,³ that the method of adopting a special order by majority vote after a report from the Committee on Rules was first used. This method was not in great favor in the next three Congresses,⁴ but in the Fifty-first Congress it was used frequently, and since 1890 has been in favor as an efficient means of bringing up for consideration bills difficult to reach in the regular order and especially as a means for confining within specified limits the consideration of bills involving important policies for which the majority party⁵ in the House may be responsible.

Sometimes special orders are made yet by unanimous consent or under suspension of the rules, but only as to matters to which the opposition is not extensive.

¹ First session Forty-seventh Congress, Record, p. 4541.

² First session Forty-seventh Congress, Record, pp. 6156, 6157.

³ See instance wherein the tariff bill was disposed of under a special order made in this way. (Section 3160 of this chapter.)

⁴ In 1887 it was still regarded as a proceeding of doubtful validity (Second session Forty-ninth Congress, Record, p. 1781); but in the next two or three years grew in favor. See summary of special orders reported by the Committee on Rules in the Forty-ninth and Fiftieth Congresses made in debate by Mr. Joseph G. Cannon, of Illinois, when the process was questioned in 1890. (First session Fifty-first Congress, Record, p. 8349.)

⁵ On June 25, 1879 (First session Forty-sixth Congress, Record, p. 2329), Mr. Speaker Randall, from the chair, said: "The present Committee on Rules have never, so far as the Chair recollects, been divided politically on any subject, and almost every report made by them, except in two instances (the report on the liquor traffic and that on the woman's rights question), has been unanimous." This, however, was before the system of special orders for consideration of particular bills.

In the present practice of the House the Committee on Rules officiates as to the consideration of bills only when, for some reason, the ordinary method prescribed by the rules for the order of business is not satisfactory or produces delay. The number of bills in relation to which it officiates by reporting special orders is relatively few.

During the Fifty-ninth Congress a total number of 7,423 bills passed the House, of which 799 were bills on public matters and 6,624 were private bills; that is, bills for the relief of individuals or corporations and largely pension bills. The Committee on Rules reported special orders as to 26 public bills, providing special or extraordinary methods for their consideration. It also reported two orders—one at each session—providing a time for the consideration of a few private bills which had been crowded out in the order of business by the great multitude of measures from the Committee on War Claims. These bills were few, relating largely to the correction of military records, and such subjects, and were not over 100 in number; that is, 100 out of 6,624 private bills which passed in regular order.

3153. On July 24, 1850,¹ Mr. Speaker Cobb, in a case where the Committee on the Post-Office and Post-Roads had reported a resolution making a certain bill a special order, ruled that the House could not, except by a suspension of the rules, make a special order, whether by a report of a standing committee or otherwise.

3154. A special order may be made under suspension of the rules.—On February 19,² 1906, Mr. John Dalzell, of Pennsylvania, moved to suspend the rules and make the bill (H. R. 14396) “to incorporate the Lake Erie and Ohio Ship Canal” in order for consideration at any time.

Mr. David A. De Armond, of Missouri, made the point of order that this proposition ought to go to the Committee on Rules, because it provided for precisely the same condition of things that existed when a measure was reported from the Committee on Rules. Suspension day was to dispose of things, not to provide for their disposal at some other time, and this was really in effect a special rule without having been referred to the Committee on Rules.

The Speaker³ overruled the point of order, saying:

The Chair will state to the gentleman from Missouri that his point of order, in the opinion of the Chair, is not well taken. This is one of the Mondays in the month when it is in order to move to suspend the rules and do anything where a Member is recognized, provided two-thirds of the Members vote for the motion. Now, then, upon that motion, if a second is waived there is twenty minutes’ debate, but upon this particular motion it is not to pass a bill, but it is to fix any time after the army appropriation bill is passed for its consideration. In other words, under the rules, the gentleman, at any time after the consideration of the army appropriation bill has been completed could call up this matter, and would be entitled to call it up, and then it would be for a majority of the House to determine whether they would consider it or whether they would consider something else.

3155. The first special orders were made by unanimous consent or suspension of the rules.

In 1832 the pressure of business began to bring into use the request for unanimous consent and the special order.

On June 8, 1832,⁴ Mr. Charles A. Wicliffe, of Kentucky, presented by unanimous consent,⁵ and the House agreed to, this resolution:

Resolved, That so soon as the morning business is over on each day, the House will proceed to the consideration of the bills from the Senate, and engrossed bills, and such as have passed through committees of the Whole House, and at the hour of 12 o’clock the House will proceed to the consideration of the bill to regulate the duties on imports, until otherwise ordered.

3156. On March 12, 1834,⁶ the rules were suspended to enable Mr. James K. Polk, of Tennessee, to move the following resolution:

Resolved, That the report of the Committee on Ways and Means on the removal of the public deposits from the bank of the United States, made on the 4th of March, 1834, and the resolutions thereto appended, be the standing order of the day for Tuesday next, at 1 o’clock, and on each succeeding

¹ First session Thirty-first Congress, Globe, p. 1442.

² First session Fifty-ninth Congress, Record, pp. 2693, 2694.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ First session Twenty-second Congress, Journal, p. 860.

⁵ This is not only one of the first, if not the very first, instance of a special order; but it is one of the first instances where the Journal of the House indicates that the pressure of business had begun to force out all propositions not in the order of business, and cause them to be presented by “unanimous consent.”

⁶ First session Twenty-third Congress, Journal, pp. 399, 400; Debates, p. 2978.

day in every week, Saturdays excepted, at the same hour, until disposed of; and that until the hour of 1 o'clock p. m. on each day, the business of the House shall proceed in the order prescribed by the rules of the House; but it shall be in order to present petitions and memorials on Mondays.

Objection was made that this resolution, if agreed to, would take from the majority the power of self-government. Mr. Polk replied that such an order had been found necessary when the tariff was under discussion.

The order was agreed to.

3157. On June 6, 1836,¹ Mr. Ambrose H. Sevier, Delegate from Arkansas, moved that the rules be suspended to enable him to offer the following resolution:

Resolved, That this House will, on Wednesday next at 11 o'clock and on each day thereafter, Fridays and Saturdays excepted, until the same shall be disposed of, consider and dispose of the bill to establish the northern boundary of Ohio, and the bills for the admission of Arkansas and Michigan into the Union.

Two-thirds having voted therefor, the rules were suspended, and the resolution was considered and agreed to by the House.

3158. Special orders for disposing of particular matters of legislation, such as appropriation bills and other important measures, began to be used quite frequently in the first session of the Twenty-fourth Congress (1836), and the index of the Journal² shows a considerable number of them proposed and adopted.

3159. On February 25, 1868,³ on motion of Mr. Elihu B. Washburne, of Illinois, and under suspension of the rules, the House, by a vote of yeas 111, nays 44, agreed to the following:

When the committee to prepare articles of impeachment of the President of the United States report the said articles the House shall immediately resolve itself into the Committee of the Whole thereon; that speeches in committee shall be limited to fifteen minutes each, which debate shall continue until the next legislative day after the report, to the exclusion of all other business except the reading of the Journal; that at 3 o'clock on the afternoon of said second day the fifteen-minute debate shall cease, and the committee shall then proceed to consider and vote upon amendments that may be offered under the five-minute rule of debate, but no merely pro forma amendment shall be entertained; that at 4 o'clock on the afternoon of said second day the committee shall rise and report their action to the House, which shall immediately, and without dilatory motions, vote thereon; and if the articles of impeachment are agreed on, the House shall then immediately, and without dilatory motions, elect by ballot seven managers to conduct said impeachment on the part of the House, and that during the pendency of resolutions in the House relative to said impeachment thereafter no dilatory motions shall be received except one motion on each day that the House do now adjourn.

3160. In 1883 the House first began the practice of making a special order by majority vote on a report from the Committee on Rules.

A special order providing for the consideration of a particular bill is properly reported from the Committee on Rules.

On February 26, 1883,⁴ Mr. Thomas B. Reed, of Maine, as a privileged question, called up the following resolution reported by him on the Saturday preceding from the Committee on Rules:

Resolved, That during the remainder of this session it shall be in order at any time to move to suspend the rules, which motion shall be decided by a majority vote, to take from the Speaker's table

¹ First session Twenty-fourth Congress, Journal, pp. 952, 953.

² See Journal, p. 1347.

³ Second session Fortieth Congress, Journal, p. 407; Globe, p. 1425.

⁴ Second session Forty-seventh Congress, Journal, pp. 497, 500, 603; Record, p. 3308.

House bill No. 5538, with the Senate amendment thereto, entitled "A bill to reduce internal-revenue taxation," and to declare a disagreement with the Senate amendment to the same, and to ask for a committee of conference thereon, to be composed of five Members on the part of the House. If such motion shall fail, the bill shall remain upon the Speaker's table unaffected by the decision of the House upon said motion.

Mr. Joseph C. S. Blackburn, of Kentucky, made the point of order that the resolution was not a rule or an amendment to the rules of the House.

After debate, the Speaker ¹ said:

The gentleman from Kentucky makes the point of order and rests his point solely upon the claim that this resolution, if adopted, would not be a rule of the House. It would be rather early for the Chair to undertake to decide on that which is not before the House. It is reported as a rule from the Committee on Rules.

But passing that, it is perfectly competent, as the Chair thinks, for this House, when the subject is properly brought before it, to change every rule of the House and all of the rules that have been adopted by the House. And early in this session a resolution of the House was adopted authorizing the Committee on Rules to report at any time any change or modification of the rules or any new rules. That right of the committee has been exercised perhaps in this case. But in this case the Committee on Rules has reported this rule as a substitute for various propositions of a similar character that have been introduced in the House and referred to the committee. This comes from the committee as a substitute for them all.

Its effect, if the Chair is to look to that, may be, in this exceptional case named, to put aside other rules which would prevent the motion that the rule proposes to allow. But the greater certainly includes the less. It was in the power of the committee to report a rule to suspend the whole of Rule XX,² which would require an amendment of the Senate, on the point of order being made, to go to the Committee of the Whole House on the state of the Union. It is in the power of the committee to report to the House a proposition to suspend the rule that authorizes the suspension of the rules by a two-thirds vote. In other words, a rule might have been reported from the committee, and properly, which would suspend or repeal or annul or set aside every rule of this House, standing or special; and if the House so decided to affirm that report by a majority vote it could do so. In this case, though it may apply to a single great and important measure now pending before Congress, it seems perfectly clear to the Chair that it would be a rule to the extent that it goes; and perhaps gentlemen, on consideration, may see that in this particular case it goes far enough. The Chair overrules the point of order.

Mr. Blackburn having appealed, the appeal was laid on the table, yeas 116, nays 97.

3161. A special order, being in effect a change of the rules establishing the regular order of business, may be made only in the manner prescribed for making a change of the rules.

In the earlier years of the House special orders were made by a two-thirds vote on a motion to suspend the rules.

On June 20, 1834,³ Mr. James K. Polk, of Tennessee, moved the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (No. 443) regulating the deposit of the money of the United States in certain local banks, and the said bill be made the special order of the day for this day at 12 o'clock.

¹ J. Warren Keifer, of Ohio, Speaker.

² See section 4796 of this work.

³ First session Twenty-third Congress, Journal, p. 785.

The resolution being read the Speaker¹ decided that as it went to change the order of business according to the rules² of the House it would require a vote of two-thirds to adopt it.

Mr. Polk then moved that the rules prescribing the order of business be suspended, and that the House do proceed to the consideration of the resolution.

And the question being put, it passed in the affirmative, 114 to 53.

3162. On July 24, 1850,³ Mr. Emery D. Potter, of Ohio, from the Committee on the Post-Office and Post-Roads, reported the following resolution, which was read:

Resolved, That the House bill to reduce and modify the rates of postage be made the special order for the first Tuesday in August next, and from day to day until the same is disposed of.

Objection being made to entertaining the said resolution at this time,

The Speaker⁴ decided that under the one hundred and thirty-sixth rule⁵ the House could not, except by a suspension of the rules, make a special order, whether by a report from a committee or by a resolution offered by an individual Member. He therefore ruled the resolution to be out of order.

From this decision of the Chair Mr. Potter appealed, and the decision of the Chair was sustained.

3163. It is not in order to move in the House that a subject be made a special order for a given date.—On January 18, 1899,⁶ Mr. William P. Hepburn, of Iowa, moved that the bill (H. R. 8961), known as the Pacific Cable bill which had been under consideration in Committee of the Whole House on the state of the Union and was still in that committee, be taken up on Tuesday of the next week.

Mr. Joseph W. Bailey, of Texas, made the point of order that such a motion was not in order.

The Speaker⁷ said:

That would be making a special order of it, and the Chair thinks that would not be in order.

3164. A bill called up in the morning hour may not be made a special order by a motion to postpone to a day certain.—On March 1, 1900,⁸ in the morning hour for the call of committees, the Committee on the Post-Office and Post-Roads was called, and Mr. Eugene F. Loud, of California, referring to the bill (H. R. 6071) to amend the postal laws relating to second-class matter, asked unanimous consent to make the bill a special order for a future date.

Objection being made, Mr. William H. Moody, of Massachusetts, rising to a parliamentary inquiry, asked whether if the gentleman from California should call

¹John Bell, of Tennessee, Speaker.

²The rule of the House at that time was Rule 106, which provided: "Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the Members present." (For present form of rule see sec. 6790 of Vol. V of this work.)

³First session Thirty-first Congress, Journal, p. 1176; Globe, p. 1442.

⁴Howell Cobb, of Georgia, Speaker.

⁵This was the rule relating to suspension of the rules, which at that time was in order on every Monday.

⁶Third session Fifty-fifth Congress, Record, p. 778.

⁷Thomas B. Reed, of Maine, Speaker.

⁸First session Fifty-sixth Congress, Record, p. 2454.

up the bill now under this rule would it then be in order for the House on motion to postpone its further consideration until a day certain?

The Speaker¹ said:

The Chair is of the opinion that that can not be done. The way to get back to the consideration of this bill is when the committees are again called.

3165. Special orders are sometimes made by unanimous consent without awaiting the process required for changing the rules.—On March 17, 1848,² on motion of Mr. James J. McKay, of North Carolina, by unanimous consent of the House,

Ordered, That the bill (No. 158) regulating the appointment of clerks in the Executive Departments, and for other purposes, be made the special order of the day for Tuesday next.

3166. On April 26, 1898,³ Mr. Nelson Dingley, of Maine, from the Committee on Ways and Means, reported favorably the bill (H. R. 10100) to provide ways and means for war expenditures.

Thereupon Mr. Dingley asked and obtained unanimous consent that the bill be made a special order for the next day under conditions described by the Speaker when he put the request:

The gentleman from Maine, on behalf of the Committee on Ways and Means, asks unanimous consent that the House go into Committee of the Whole House on the state of the Union immediately after the reading of the Journal to-morrow; that general debate upon the bill just reported by him shall then commence and continue until the close of the session on Thursday, and that at the beginning of the session on Friday the debate under the five-minute rule shall begin, with the right to offer amendments, beginning with sections 27 and 28, and that the bill shall be reported to the House at 4 o'clock on that day with all amendments, and a vote then be taken.

3167. Although a rule may confine a certain session of the House to a specified course of business, yet if a quorum be present and no objection be made effective a special order may be made binding on the House at a future session.—On Friday, March 30, 1888,⁴ the House proceeded to consider the bills (H. R. 3191) granting a pension to Mary S. Logan, and (S. 574) increasing the pension of Mrs. Apolline A. Blair, which, at the Friday evening session of March 9, had been made special orders for March 21, and came over from that day. Mr. Samuel W. T. Lanham, of Texas, made the point of order that the House might not at an evening session make such an order.

The Speaker⁵ held:

The point has several times been made that the House at the Friday evening sessions could not by agreement assign a pension bill for consideration on another day assigned for the transaction of public business. But the point of order made even as against that has been overruled. That question does not arise in this instance. These are private pension bills and this day is assigned by the rules for the consideration of private bills.

Further, on last Friday, during the day, when the House was full this order was made by unanimous consent for this morning.

¹ David B. Henderson, of Iowa, Speaker.

² First session Thirtieth Congress, Journal, p. 580.

³ Second session Fifty-fifth Congress, Record, p. 4278.

⁴ First session Fiftieth Congress, Record, p. 2514; Journal, pp. 1374, 1375.

⁵ John G. Carlisle, of Kentucky, Speaker.

3168. On May 2, 1890,¹ at a Friday evening session, the bill (H. R. 6291) granting a pension to Delia T. S. Parnell was made a special order for Tuesday next, May 6, the previous question to be considered as ordered with the right of fifteen minutes of debate on a side.

On Wednesday, May 7, the bill came up in the House, and Mr. E. N. Morrill, of Kansas, rising to a parliamentary inquiry, asked why the bill should come up on this day, having been made a special order for the preceding day.

The Speaker² said:

It was a continuing special order, as the Chair understood. * * * The Chair has considerable doubt whether, under the rules, such bills can be sent over in this way, but it was the practice in the last House and has been the practice thus far in the present House. The Chair is under the impression, however, that the terms of the present rule are different, and purposes to examine into the matter.

On May 9, the bill coming up again, the Speaker said:

A point of order was pending in regard to this and several other bills occupying a similar position. The Chair, having examined the matter and found that there are many prior decisions against the point of order, overrules the point. Apart from the decisions, it is difficult to understand how on principle the action of a full House can be set aside, even when it seems to have been taken in contravention of the rules, because the proper time to make objection that the proceeding is contrary to the rules is when the proceeding is attempted, not subsequently. The Chair also finds that, when former decisions were made, the rule in regard to the assignment of particular time for pension and other special business of Friday night was even stronger in its prohibition of other action than the present rule. The Chair is therefore constrained, both by precedent and principle, to overrule the point of order. The question is on agreeing to the amendment which has been read.

3169. A special order, reported by the Committee on Rules, is agreed to by majority vote.—On April 29, 1902,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported a resolution providing a special order for the consideration of the bill (H. R. 14018) “to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings,” etc.

Mr. Thomas J. Creamer, of New York, made the point of order that the resolution suspended a rule of the House, and therefore that it would require a two-thirds vote for its adoption.

The Speaker⁴ said:

The question has been fought out again and again, and is well settled that the Committee on Rules can bring in a rule providing for order of business in the House. * * * There have been many decisions that a rule from the Committee on Rules which fixes the order of business with the approval of the House does not require a two-thirds vote.

Mr. Creamer having appealed, the appeal was laid on the table by the House.

3170. A special order suspends the regular order of business for the time being, and a motion to proceed to the regular order is not in order.—On February 13, 1843,⁵ the special order of the day, viz, the consideration of the

¹ First session Fifty-first Congress, Record, pp. 4168, 4246, 4382; Journal, pp. 588, 589.

² Thomas B. Reed, of Maine, Speaker.

³ First session Fifty-seventh Congress, Record, p. 4820.

⁴ David B. Henderson, of Iowa, Speaker.

⁵ Third session Twenty-seventh Congress, Journal, p. 355; Globe, p. 276.

joint resolution of the House (No. 13) "concerning certain reciprocity treaties," was announced by the Speaker.

Mr. Almon H. Read, of Pennsylvania, moved that the House proceed to the regular order of business, as fixed by the rules of the House, viz, "the calling of the States for the presentation of resolutions."¹

The Speaker² decided that inasmuch as a special order had heretofore been set by a vote of two-thirds, it was in the nature of a suspension of the rules, and during such suspension there was no regular order of business, and that the resolution of Mr. Read was not in order.

On an appeal the decision of the Chair was sustained.

3171. On July 8, 1850,³ the Speaker announced, as the business first in order, the special order, viz, the report of the select committee appointed to investigate the conduct and relation of the Hon. George W. Crawford to the claim of the representatives of George Galphin.

Mr. Preston King, of New York, raised the question of order that, this being resolution day, it was the duty of the Speaker, under the twenty-sixth rule,⁴ to call the States for resolutions.

The Speaker⁵ decided that the rule referred to, like the other rules providing for the regular order of business, was suspended by the operation of the special order—a special order being made under a suspension of the rules; that a special order, thus made, took precedence of the order of business provided by the rules of the House (this rule among others).

From this decision of the Chair Mr. Preston King appealed. The appeal was laid on the table, so the decision of the Chair was sustained.

3172. On January 26, 1843,⁶ Mr. John P. Kennedy, of Maryland, moved the following, which was agreed to by a two-thirds vote:

Ordered, That Tuesday, the 7th day of February next, be assigned for the consideration of the resolution No. 13, and bills concerning certain reciprocity treaties; and that it be the special order for that day.

This order was continued in force, and came up on February 13, when Mr. Almon H. Read, of Pennsylvania, moved that the House proceed to the regular order of business fixed by the rules of the House.

The Speaker² decided that, inasmuch as a special order had heretofore been set by a vote of two-thirds, it was in the nature of a suspension of the rules, and during such suspension there was no regular order of business, and that the resolution of Mr. Read was not in order.

Mr. Read having appealed, the decision of the Chair was sustained.

¹This was Monday, which, under the old twenty-third rule, was set apart for the reception of resolutions from the several States. (See secs. 3312, 3364 of this work for the present rule.)

²John White, of Kentucky, Speaker.

³First session Thirty-first Congress, Journal, p. 1096; Globe, p. 1350.

⁴Rule 26 provided that "All the States shall be called for resolutions on each alternate Monday during each session of Congress," etc.

⁵Howell Cobb, of Georgia, Speaker.

⁶Third session Twenty-seventh Congress, Journal, pp. 257, 355; Globe, p. 276.

3173. A motion to rescind a special order is not privileged under the rules regulating the order of business.—On April 12, 1884,¹ a question arose in the House on a motion to rescind an order by which the House set apart the 9th of April and afterwards from day to day until disposed of for the consideration of bills from the Committee on Public Buildings and Grounds. It was contended that this was more than a special order, and constituted a standing order, as near as such an order could exist in a House, which, unlike the Parliament and the Senate, was not a continuing body. Mr. Speaker Carlisle decided to submit to the House the question whether or not the motion to rescind should be entertained under the rules. After debate, the House decided, yeas 78, nays 101, that the motion should not be entertained as privileged.

3174. On January 9, 1850,² while the House was acting under a special order providing that it should proceed to the election of a Clerk and other officers, Mr. Speaker Cobb ruled out of order a proposition to rescind that order, although he admitted a motion to postpone its execution.

3175. When a bill has been made a special order its consideration has precedence over reports made privileged by the rules.

The question of consideration may be raised against a bill which has been made a special order.

On July 21, 1886,³ Mr. John H. Reagan, of Texas, called up the bill of the Senate (S. 1532) to regulate commerce, which had been made a special order.

Mr. Barclay Henley, of California, proposed to make a privileged report from the Committee on Public Lands.⁴

The Speaker⁵ said:

The gentleman from Texas, who was recognized, calls up a special order of the House, which is also privileged, and of as high a privilege as the other; in fact higher, because it is made a special order by the House.

Mr. Henley then proposed to raise the question of consideration against the special order.

The Speaker said:

The gentleman has a right to do that.

3176. On June 28, 1892,⁶ the House agreed to a resolution reported from the Committee on Rules setting apart the day, beginning immediately after the call of committees for reports, “for the consideration of bills that have been favorably reported by the Committee on Invalid Pensions.”

Mr. Thomas C. McRae, of Arkansas, submitted the question of order whether it was in order to call up for consideration the privileged report on the bill (H. R. 8390)

¹ First session Forty-eighth Congress, Record, pp. 2902–2905.

² First session Thirty-first Congress, Globe, p. 125.

³ First session Forty-ninth Congress, Record, p. 7276.

⁴ This was the privilege of a bill reported from a committee having leave to report at any time. (See secs. 4621–4623 of this volume.)

⁵ John G. Carlisle, of Kentucky, Speaker.

⁶ First session Fifty-second Congress, Journal, p. 239; Record, pp. 5573, 5574.

to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads and other purposes, approved September 29, 1890.

The Speaker¹ held that by the order adopted to-day the day was set apart for pension business, and that the bill referred to by Mr. McRae would not be in order.

3177. A bill which comes before the House by the terms of a special order merely assigning the day for its consideration may be postponed by a majority vote.

Where a motion not in order under the rules is made without objection and agreed to by the House by majority vote, the action is binding on the House and the Speaker.

On July 29, 1846,² a message from the Senate announced that that body had passed the bill of the House (No. 384) entitled "An act reducing the duty on imports, and for other purposes," with an amendment, in which the concurrence of the House was asked.

The Speaker announced as the first business in order the bill from the Senate (No. 57) entitled "An act to amend an act entitled 'An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes,'" which on Monday last was made a special order for this day.

Mr. Linn Boyd, of Kentucky, moved that the consideration of the bill be postponed until to-morrow, and that the House proceed to the consideration of the business from the Senate on the Speaker's table.

This motion was carried by a vote of 108 to 100.

So the special order was postponed, and the House determined, by a majority, to proceed to consider business on the Speaker's table, the first bill in order being Senate bill No. 384.

Mr. Robert C. Winthrop, of Massachusetts, raised a question of order that a motion to postpone the special order and take up the business from the Senate being carried by a majority, and not by two-thirds, only that part of the motion which could be controlled by a majority, viz, the postponement of the special order, could be considered as decided; and that as it required two-thirds to change the regular order of business, the House must now proceed to the business regularly in order, and not to the business of the Senate on the Speaker's table.

The Speaker³ decided that this question might have been raised before the question was taken on the motion of Mr. Boyd; that it is now too late to raise the question; and the House having ordered the special order to be postponed, and directed at the same time what business should be next considered, it was the duty of the Speaker to proceed to the business thus indicated by the House.

From this decision Mr. Winthrop appealed. The appeal was laid on the table by a vote of 102 to 98, and so the decision of the Chair was sustained.

3178. On June 29, 1850,⁴ the special order was the report of the select committee on the relations of the Secretary of War to the Galphin claim. A motion was made to postpone the consideration of the report until Monday next.

¹ Charles F. Crisp, of Georgia, Speaker.

² First session Twenty-ninth Congress, Journal, p. 1170; Globe, p. 1164.

³ John W. Davis, of Indiana, Speaker.

⁴ First session Thirty-first Congress, Globe, p. 1318.

Mr. George W. Jones, of Tennessee, raised the point that a two-thirds vote would be required to postpone a special order, since a two-thirds vote was required to make it.

The Speaker¹ decided that when once a special order was before the House its further consideration could be postponed to a day certain by a majority vote.³

3179. On March 9, 1904,³ the House proceeded to the consideration of a resolution relating to the conduct of Members in relation to certain transactions in the Post-Office Department. A special order provided for the consideration of this resolution on this day.

Mr. Jesse Overstreet, of Indiana, moved to postpone the consideration of the special order until another day.

The Speaker⁴ did not entertain this motion, but did entertain a motion to postpone the further consideration of the resolution itself to a day certain.

3180. On February 13, 1843,⁵ the Speaker announced as the business before the House the special order fixing this day for the consideration of the joint resolution of the House "concerning certain reciprocity treaties."

Mr. John P. Kennedy, of Maryland, proposed to postpone the consideration of the resolution until a future day.

The Speaker⁶ stated that it would require a vote of two-thirds to postpone the special order.

3181. On December 31, 1849,⁷ the House adopted the following resolution:

Resolved, That the House will proceed to the election of Clerk and other officers on Thursday, the 3d day of January, 1850.

On January 3 no election of Clerk resulted, and on January 4 Mr. Moses Hampton, of Pennsylvania, moved that the execution of the order be postponed until the 7th.

Mr. James Thompson, of Pennsylvania, rising to a parliamentary inquiry, asked if a two-thirds vote was not required to postpone the order.

The Speaker¹ held that the vote of a majority only was required.

Thereupon the execution of the order was postponed by a vote of 98 yeas, 97 nays

3182. On February 27, 1852,⁴ Mr. Speaker Boyd decided that a special order, although made by a two-thirds vote, might be postponed by a majority vote.

3183. The fact that a bill had been made a special order for a certain day and that the House on that day refused to consider it was held not to prevent it coming up in regular order with other business of its class on a

¹ Howell Cobb, of Georgia, Speaker.

² At the time this decision was made special orders did little more than assign a bill a certain day for consideration. A modern special order, which limits the time and mode of consideration and often fixes a stated hour for voting, would present a different principle to govern the reception of a motion to postpone.

³ Second session Fifty-eighth Congress, Record, p. 3047.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ Third session Twenty-seventh Congress, Journal, p. 355; Globe, p. 278.

⁶ John White, of Kentucky, Speaker.

⁷ First session Thirty-first Congress, Journal, pp. 190, 225; Globe, p. 101.

⁸ First session Thirty-second Congress, Globe, p. 648.

later day.—On February 20, 1891,¹ at a Friday evening session, Mr. Roswell P. Flower, of New York, by unanimous consent, called up the bill of the Senate (S. 1813) granting increase of pension to Florida G. Casey, coming over from April 7 ultimo as unfinished business, on which bill the previous question was ordered, with the privilege of one hour and thirty minutes' debate on each side, and which the House refused to consider on the 17th instant.

Mr. Daniel Kerr, of Iowa, made the point of order that the bill was not in order for consideration at a Friday evening session, the same having been heretofore made a special order by the House.

The Speaker pro tempore² overruled the point of order.

3184. Although a special order may provide for the consideration of a bill immediately after the reading of the Journal on a given day, it does not lose its privileged position if called up at a later hour.—On September 24, 1890,³ near the end of the day's sitting, Mr. Edmund N. Morrill, of Kansas, as a privileged question, called up the special order, which was the consideration of the bills granting pensions to Jessie Benton Fremont, Ellen M. McClellan, Mary Crook, and Frederika Jones, coming over from the last Friday evening, with the previous question ordered subject to one hour's debate and the right to offer amendments.

Mr. C. B. Kilgore, of Texas, made the point of order that the special order called for the consideration of the bills immediately after the reading of the Journal, and that hour having passed, the bills had lost their right to be now considered.

The Speaker⁴ overruled the point of order.

3185. When the terms of a special order are such as in effect to order the previous question, business unfinished with the day set apart by the order does not fall, but is in order the next day after the reading of the Journal.—On July 17, 1894,⁴ the Speaker pro tempore stated the regular order of business to be the further consideration of the bill (H. R. 4609) to establish a uniform system of bankruptcy, pending at the adjournment on the preceding day.

Mr. Julius C. Burrows, of Michigan, made the point that under the resolution adopted on the preceding day, to wit—

That immediately upon the adoption of this resolution the House shall proceed to consider House bill 4609, "A bill to establish a uniform system of bankruptcy," in the House as in Committee of the Whole on the state of the Union. That after an hour of general debate there shall be two hours' debate under the five-minute rule. The previous question shall be considered as ordered on the amendments, if any, and, without intervening motion, the vote shall then be taken, etc.

the consideration of said bill (H. R. 4609) was limited to that day and was not now in order.

The Speaker pro tempore⁶ overruled the point of order, holding that the resolution was in effect equivalent to an order of the previous question, and brought the House to a direct vote on the questions to which it applied; and that by analogy to

¹ Second session Fifty-first Congress, Journal, p. 280; Record, p. 3043.

² William W. Morrow, of California, Speaker pro tempore.

³ First session Fifty-first Congress, Journal, p. 1078; Record, p. 10392.

⁴ Thomas B. Reed, of Maine, Speaker.

⁵ Second session Fifty-third Congress, Journal, p. 448; Record, pp. 7596, 7597.

⁶ James D. Richardson, of Tennessee, Speaker pro tempore.

the practice when, the previous question having been ordered on the passage of a bill the vote is interrupted by an adjournment, the question would recur immediately after the approval of the Journal on the succeeding day.

Mr. George W. Ray, of New York, stated that he appealed from the decision of the Chair. The Chair declined to entertain the appeal for the reason that the same was precluded by the special order.

3186. When a special order applies to one day only, a bill taken up but left undisposed of on that day loses its privileged position thereafter.—On February 13, 1850,¹ Mr. Robert M. McLane, of Maryland, from the Committee on Commerce, reported a bill (No. 97) to continue in force the act therein mentioned relating to the port of Baltimore. Then, on motion of Mr. McLane,

Ordered, That the said bill (No. 97) be made the special order of the day for the first Monday in March next.

On March 4, 1850, the House proceeded to the consideration of the bill, and it was ordered to be engrossed and read the third time; and being engrossed, the bill was accordingly read the third time.

Pending the question on the passage of the bill, the House adjourned. The bill was on its passage when an adjournment was moved by Mr. Harvey Putnam, of New York, who thought the bill should have more consideration.

The bill, having been mislaid, was on the Speaker's table until May 9, 1850, when, the House having proceeded to consideration of business on the Speaker's table, it came up in regular order.²

3187. On January 13, 1885,³ Mr. John Randolph Tucker, of Virginia, as a privileged question, called up and the House proceeded to the consideration of business under the following special order, adopted on the 7th instant:

Resolved, That Tuesday, January 13, be assigned to the Committee on the Judiciary for the consideration of such business as may be presented by said committee; this order not to interfere with the consideration of general appropriation and revenue bills and the special order adopted January 21 last, relating to reports from the Committee on the Public Lands; and in case this order shall be interfered with on that day, it shall be continued in force until one day thereafter has been occupied by the Committee on the Judiciary.

Mr. William H. Hatch, of Missouri, made the point of order that the first business in order under the special order was the further consideration of the bill of the House to amend the act relating to the judicial districts of Missouri, reported from the Committee on the Judiciary on the 23d of January last and referred to the House Calendar, and considered by the House on the 17th of May last, the pending question being on the amendment of Mr. McCoid to section 2, on which amendment the demand for the previous question was pending when the House adjourned on that day.

The Speaker⁴ overruled the point of order, on the ground that the bill was brought before the House on that day under the terms of a special order, similar to

¹ First session Thirty-first Congress, Journal, pp. 522, 631, 897; Globe, pp. 448, 960.

² At that time the order of business was different from the present order, unfinished business not having precedence to the extent it does now. (See sec. 3056 of this volume.)

³ Second session Forty-eighth Congress, Journal, p. 248; Record, pp. 667, 668.

⁴ John G. Carlisle, of Kentucky, Speaker.

the pending special order, authorizing the consideration of such business “as may be presented by the Committee on Judiciary,” and that, in accordance with the practice of the House, all business undisposed of on such assignment fell with the day’s adjournment.

3188. On May 3, 1890,¹ a motion having been made to go into Committee of the Whole House on the state of the Union to consider general appropriation bills, Mr. Albert J. Hopkins, of Illinois, made the point of order that the first business in order was the motion to lay on the table the motion to reconsider the vote by which the House refused to order the bill of the House, H. R. 6941, “A bill to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights,” as amended, to be engrossed and read a third time, pending when the House, at 5 o’clock p. m. preceding day, took a recess under clause 2, Rule XXVI,² for the consideration of business named therein.

The Speaker³ overruled the point of order, and held that under former rulings and practice of the House all business pending and undisposed of under a special order fell when the time allotted thereto expired, and that until another day was assigned the Committee on the Judiciary, or for the consideration of the bill, it could not be further acted on.⁴

3189. On February 8, 1899,⁵ the House was acting under a special order⁶ which devoted two days—the 7th and 8th of February—to the consideration of bills reported from the Committee on Public Buildings and Grounds. As the House on this the last day of the special order was about to resolve itself into Committee of the Whole House on the state of the Union for consideration of such bills, Mr. David B. Henderson, of Iowa, rising to a parliamentary inquiry, asked whether, if the House should continue in Committee of the Whole until time of adjournment, the bills reported from the Committee of the Whole and unacted on by the House would be privileged as unfinished business afterwards in the House.

The Speaker³ replied that such had not been the practice of the House.

3190. On December 21, 1839,⁷ the House

Resolved, That this House will now proceed, forthwith, to the election of a Clerk, Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, and Public Printer, for the present Congress.

On January 30, 1840,⁸ the orders of the day were announced, and the Speaker⁹ decided that the first subject which came before the House was the execution of that portion of the order of the House of the 21st of December which remained unexecuted, viz, the election of a printer. The execution of this portion of said

¹ First session Fifty-first Congress, Journal, p. 567; Record, p. 4191.

² The rule providing for a session Friday evenings for consideration of pension bills.

³ Thomas B. Reed, of Maine, Speaker.

⁴ There was involved in this case another condition, the previous question having been ordered on the bill, which is referred to in sections 5510–5520 of Volume V of this work.

⁵ Third session Fifty-fifth Congress, Record, p. 1614.

⁶ For form of this special order, see Record, February 6, 1899, p. 1503.

⁷ First session Twenty-sixth Congress, Journal, p. 95.

⁸ Journal, p. 253.

⁹ Robert M. T. Hunter, of Virginia, Speaker.

order having been postponed on the 27th ultimo to the 10th of January instant, and then prevented from being carried into effect by another special order, it was now the first subject for the action of the House.

From this decision Mr. Rice Garland, of Louisiana, appealed, on the ground that if an order be adopted by the House that it will forthwith, or on a particular day, proceed to elect a printer, or other officer; but if, from accident or design, the House omits, or fails, to execute the order at the time, or on the day specified in the order, the matter drops until the order is renewed.

The decision of the Chair was sustained, yeas 135, nays 64.

3191. On February 16, 1843,¹ Mr. John P. Kennedy, of Maryland, called up the special order for the day, the consideration of joint resolution (No. 13) concerning certain reciprocity treaties.

Mr. Francis W. Pickens, of South Carolina, objected to the consideration of the resolution, and submitted as a question of order that a special order not having been taken up and considered on the day for which it was set the order thereby became virtually dissolved and the subject lost its specialty.

The Speaker² decided against the point of order.

Thereupon Mr. Pickens appealed. On the appeal the decision of the Chair was sustained.³

3192. A session of the House extending, by failure to adjourn, through the succeeding calendar day, a special order for the legislative day expected to be held on that calendar day falls, as the session is of the legislative day.

In the contemplation of the rules and special orders of the House a day is the legislative day and not the calendar day, and the two are not always the same.

Where a special order requires a recess at a certain hour of a certain day, the recess is not taken if the encroachment of a prior legislative day prevents the existence of the said certain day as a legislative day.

On the legislative day of Tuesday, April 3, 1888,⁴ but in reality on the calendar day of Thursday, April 5, the House began proceedings under a special order which provided:

On Wednesday, April 4, while considering bills from the Judiciary Committee,

Resolved, That Tuesday and Wednesday, April 3 and 4, immediately after the reading of the Journal, be set apart for the consideration of Senate bill No. 139, etc., * * * and that the remainder of said time be set apart for the consideration of any other bill or bills designated by the Committee on the Judiciary; that Thursday and Saturday, April 5 and 7, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Commerce in such order as said committee may designate, etc., and that at 5 o'clock Thursday the House should take a recess, etc.

¹Third session Twenty-seventh Congress, Journal, p. 386; Globe, p. 298.

²John White, of Kentucky, Speaker.

³The Globe shows that Mr. Pickens argued that if a special order was to continue until disposed of the House would find, when it set days for District of Columbia and Territorial business, that business of those classes would drag on for a long time after the days set. The Speaker in his ruling drew a distinction between the special orders setting aside a day for a class of bills, and an order giving a time for the consideration of a specified bill or bills.

⁴First session Fiftieth Congress, Record, pp. 2749, 2755; Journal, pp. 1491, 1505, 1506.

the House did not adjourn as usual, but continued in session or in recess all night, and was still in session after noon on the calendar day of April 5.

At that time Mr. Samuel W.T. Lanham, of Texas, made the point of order that the time for the consideration of bills reported from the Judiciary Committee had expired.

After debate the Speaker¹ held:

The Chair does not understand the gentleman from Texas to contend that ordinarily the legislative day does not continue until an adjournment; but he contends that under the peculiar phraseology of the order adopted the other day by the House it is the duty of the Chair, after a calendar day has expired, to declare that the business set specially for that day is terminated. And the gentleman contends for this proposition upon the ground that it was evidently the intention of the House when it made that order that the Committee on the Judiciary should have only two calendar days. Conceding that such was the intention of the House when it made the order, still it is very evident that the intention of the House has been changed, because it has declined to adjourn so as to permit that order to take effect; it has remained continuously in session, thus preventing the legislative day from terminating.

The strongest case, perhaps, that could be presented in support of the idea that the legislative day must terminate with the calendar day, is when the hour of 12 o'clock p. m. on the 3d of March arrives, at the expiration of a Congress; and more than once that question has been raised—once in this House, if the present occupant of the chair correctly remembers, by Mr. Benton, then a Representative from the State of Missouri, and once in the Senate by Mr. Cass, then a Senator from the State of Michigan. Those distinguished gentlemen contended that when the hour of 12 o'clock p. m. on the 3d of March arrived, the official terms of Members themselves expired under the Constitution; that the presiding officer was no longer such; that the gentlemen sitting upon the floor were no longer Members—in short, that there was no organized Congress in existence. Those gentlemen did not even ask that the House should be formally adjourned by order of the Speaker, but contended that it was the duty of the presiding officer to vacate his chair, because there was no Congress. Yet it has been invariably held that so long as the legislative day continued the terms of Members continued. The Chair thinks there could not be a stronger case than that. It has been the universal practice of the House and the Senate since that time—and the Chair thinks before that time also—to remain in session on the legislative day of March 3 until 12 o'clock m. of March 4. * * * And as suggested by the gentleman from Wisconsin [Mr. Caswell], in February, 1877, during the pendency of the counting of the electoral vote, Congress remained continuously in session from February 1 to March 2, and this period constituted legally but one legislative day.

In the case cited by the gentleman from Texas, which was decided in the Thirty-third Congress, it was evidently the intention of the House, in ordering that the debate should be closed "at 12 o'clock to-morrow," that it should cease at 12 o'clock on the next calendar day; but the House afterwards determined otherwise, and by remaining continuously in session preserved the legislative day and defeated the purpose which it had intended in the first place to carry out.

Now, the Chair can not adjourn the House; that is conceded. The Chair can not cause the Journal of the House to be read until there has been an adjournment; that is conceded. And under the order which the gentleman from Texas has read the business of the Committee on Commerce will not come up until after the reading of the Journal; so that, if the Chair were to sustain the gentleman's point, the Committee on Commerce would not now be able to call up its business, but the House would remain in session as of Wednesday until an adjournment should take place. * * * The Chair overrules the point of order. * * * And the House now by its action defeats that part of the order which assigns Thursday to the business of the Committee on Commerce, just as the House, if it had on last Monday adjourned over till Thursday, as it might have done, would have defeated the whole order giving two days to the Committee on the Judiciary, notwithstanding its original intention to give those two days.

The legislative day of Wednesday having continued until 5 o'clock p. m. Thursday, Mr. J. B. Weaver, of Iowa, made the point of order that under the special order the House should at that hour take a recess.

¹ John G. Carlisle, of Kentucky, Speaker.

The, Speaker said:

The Chair has decided that the continuation of the legislative day which began yesterday at 12 o'clock defeated the execution of the special order, so far as it related to the business reported from the Committee on Commerce set for Thursday. Of course, if that be correct, it defeats the execution of the whole order. It could not defeat the execution of a part of the order without defeating the execution of the whole of it. One part related to the business of the Committee on Commerce. The remaining part was that at 5 o'clock the House should take a recess until 8 o'clock on Thursday evening, the evening session to be devoted exclusively to business reported by the Committee on Military Affairs. And if the continuation of the session of Wednesday defeats one part of the order it defeats the whole of it.

3193. When two special orders provide for the consideration of two bills at one time, the order first made has priority, but by raising the question of consideration against either bill the House may determine the order.—On April 14, 1840,¹ the Chair announced that the business first in order was the report of the Select Committee on Printing, which had been made the special order for this day.

Mr. John W. Jones, of Virginia, said he wished to offer a resolution for the postponement of the special order; which was read for the information of the House, as follows:

Resolved, That the execution of the special order on the report of the Committee on Printing be postponed until the House shall have finally disposed of the bill No. 8, making appropriations for the civil and diplomatic expenses of the Government, and that the said special order be then taken up and considered as though no postponement thereof had been made.

Mr. George C. Dromgoole, of Virginia, inquired of the Chair (there being two special orders) which took precedence, and whether the civil and diplomatic bill did not, as a matter of course, override and postpone the special order relating to printing.

The Speaker² replied that Mr. Speaker Stevenson had decided³ that the special order first made took priority. The subject of printing was the first special order, and would therefore take precedence.

3194. On May 15, 1886,⁴ Mr. Albert S. Willis, of Kentucky, called up for consideration the bill (H. R. 902) establishing a subtreasury at Louisville, Ky.

Mr. William S. Holman, of Indiana, made the point of order that the prior order of the day was the bill (H. R. 6973) to provide for the appointment of a commission to inspect and report on the conditions of Indians, Indian affairs, etc.

The Speaker⁵ said:

These two bills—the bill reported by the gentleman from Indiana from the Committee on Expenditures for Indians and Yellowstone Park and the bill which the gentleman from Kentucky desires to call up—were both postponed until to-day. They are both special orders; and in the opinion of the Chair neither has priority over the other; but the question of consideration can be raised against either of them.

¹ First session Twenty-sixth Congress, Globe, p. 325.

² Robert M. Hunter, of Virginia, Speaker.

³ This does not appear among the decisions of questions of order in the Journals during Mr. Speaker Stevenson's terms.

⁴ First session Forty-ninth Congress, Record, p. 4543; Journal, p. 1616.

⁵ John G. Carlisle, of Kentucky, Speaker.

3195. On January 20, 1903,¹ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented a resolution providing for the consideration of the bill (H. R. 15520) providing a coinage system for the Philippine Islands.

A question having been raised as to the effect of this order on an order previously agreed to, the Speaker² said:

The general rule governing such matters is that the order first made shall be the order that will govern the action of the House.

3196. On August 4, 1852,³ Mr. Speaker Boyd decided that when two special orders were in conflict, the last order had precedence.

3197. A special order setting apart a day for the consideration of a particular bill or of business from a particular committee has precedence over a continuing order for the consideration of a bill or of business from a committee.—On May 14, 1886,⁴ Mr. John H. Reagan, of Texas, as a privileged question, under the order of the House of March 16 last, called up the bill (H. R. 6657) to regulate interstate commerce and prevent unjust discrimination by common carriers.

Mr. William H. Hatch, of Missouri, made the point of order that the regular order of business was the consideration, under the special order of the 30th of April last, of such business as might be presented by the Committee on Agriculture, the said order setting apart this day, after the second call of committees, for the consideration of such business.

The Speaker sustained the point of order, and held that the special order of the 30th of April took precedence of that of the 16th of March, for the reason that it assigned and set apart this day for the consideration of business presented by the Committee on Agriculture.

The Speaker⁵ said:

The order which the gentleman cites was made by the House on April 30; but on the 16th of March the House, by a suspension of the rules, set the 13th day of April for the consideration of House bill No. 6657, and provided that its consideration should continue from day to day until disposed of. * * * But upon examination of the two orders the Chair finds that in one case the bill referred to is simply made a special order, and in the other case a day is “set apart”—dedicated for the consideration of certain business. * * * There is a very considerable difference. When a day is “set apart” for the consideration of certain measures that day must be appropriated for that purpose and the business can not be interfered with except by raising the question of consideration against each measure as it is called up or by revoking the order, a motion to do which can only be entertained by unanimous consent. The Chair was at first under the impression that the two orders were alike in their terms, in which case the special order which the gentleman from Texas desires to call up would have had priority over that of the gentleman from Missouri, because first adopted. But upon examination the Chair finds that the two orders are not in the same language.

3198. On February 12, 1887,⁶ the House had before it a special order providing “that Saturday, February 12, immediately after the reading of the Journal, be set apart for the consideration” of the bill (S. 199) for the retirement and recoinage

¹ Second session Fifty-seventh Congress, Record, p. 1019.

² David B. Henderson, of Iowa, Speaker.

³ First session Thirty-second Congress, Globe, p. 2065.

⁴ First session Forty-ninth Congress, Journal, p. 1598; Record, p. 4483.

⁵ John G. Carlisle, of Kentucky, Speaker.

⁶ Second session Forty-ninth Congress, Record, p. 1684.

of the trade dollar, "in the House, no other business to be transacted until the consideration of said bill is concluded."

Mr. John J. O'Neill, of Missouri, made the point of order that there had been made by the House a continuing order in favor of "such business as may be presented by the Committee on Labor." That order, after excepting "general appropriation or revenue bills, bills reported from the Committee on the Public Lands, and other prior orders," existing at that time, provided that the order in favor of business of the Committee on Labor should continue "until the bills presented by said committee shall be disposed of." This being a general order, applicable under the rules to the business of a committee, should take precedence of a special order with reference to a particular bill.

The Speaker¹ said:

The House made the special order referred to by the gentleman from Missouri on the 17th day of last May. During the present session the House made the special order now called up by the gentleman from Pennsylvania [Mr. Scott]. The special order to which the gentleman from Missouri refers was a continuing order until the Committee on Labor had one day for the consideration of bills reported by it. * * * After that time, and during the present session, the House, by a direct vote—not the Committee on Rules, but the House itself, by a vote—set apart a particular day for the consideration of this trade-dollar bill, to the exclusion of all other business.

That was undoubtedly a declaration on the part of the majority of the House that on this day the special order, and all special orders heretofore made, should be superseded for the time being by the consideration of this bill.

The Chair overrules the point of order.

3199. A special order having assigned a certain day for such business as a certain committee may present, the committee may call up its own bills wherever they may be, whether in the committee or on the Calendars.

A special order providing for consideration of a bill, the requirement that it be considered in Committee of the Whole is waived.

On June 26, 1882,² the regular order was the consideration of business under this special order:

Resolved, That the second and fourth Mondays of each calendar month hereafter during the continuance of the Forty-seventh Congress, after the call of States and Territories for bills and joint resolutions, be, and the same are hereby, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

On motion of Mr. John B. Hoge, of West Virginia, the Senate bill to authorize the supreme court of the District of Columbia to appoint two additional criers was taken from the Speaker's table and read twice.

Mr. Joseph G. Cannon, of Illinois, made the point of order that under the terms of the special order it was not in order for the Committee for the District of Columbia to take business from the Speaker's table for present consideration.

The Speaker³ overruled the point of order on the ground that the special order in terms set aside this day "for the consideration of such business as may be presented by the Committee on the District of Columbia," and that committee having

¹ John G. Carlisle, of Kentucky, Speaker.

² First session Forty-seventh Congress, Journal, p. 1540; Record, p. 5349.

³ J. Warren Keifer, of Ohio, Speaker.

asked the consideration of the bill, it was in order to proceed thereto. The Speaker said:

The Chair will state that the uniform practice in this Congress and also in other Congresses, under such orders or resolutions, has been to allow the committee that has the control of the business to call up for consideration such business as it may see fit, whether from its own committee, from the calendars of the House, or from the Speaker's table, wherever it may be. * * * It allows the consideration of everything in the House, even though under other circumstances it might be subject to the point of order that its first consideration must be in the Committee of the Whole. That has been frequently decided, not only during this session of Congress but in former Congresses.

3200. Two days having been assigned a committee generally for consideration of its business in the House, it was held that they should be days on which public business would be in order.—On Friday, March 7, 1890,¹ Mr. Seth L. Milliken, of Maine, rising for a parliamentary inquiry, stated that two days had been set apart for the consideration of business coming from the Committee on Public Buildings and Grounds. This was private-bill day, and he asked the ruling of the Speaker as to whether the Committee on Public Buildings and Grounds were entitled to occupy the day.

After debate, during which this extract from the Record was read to give the exact terms of the order:

The SPEAKER. Then the gentleman from Tennessee [Mr. Houk] asks unanimous consent that, at the close of the election case now pending before the House, the Committee on Public Buildings and Grounds shall have two days. Is there objection? [After a pause.] The Chair hears none.

The Speaker² said:

The Chair, after an examination of all the proceedings of the House on the subject, is of opinion that the two days to which this committee would be entitled would be days on which public business should be transacted. The Chair makes this decision with the less reserve because the matter is entirely within the control of the House.

3201. A special order which provides for the consideration of a bill from day to day until disposed of includes, unless exception be made, a day such as Friday, set apart by the rules for a class of business.—On Friday, February 27, 1852,³ the Speaker announced as the business first in order the special order (H. R. 208), "A bill explanatory of the act approved September 28, 1850, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States."

Mr. Edson B. Olds, of Ohio, moved that the House resolve itself into a Committee of the Whole House for the consideration of bills on the Private Calendar.

The Speaker⁴ decided that the motion was not in order, on the ground that the order of the House by which the pending special order was made, had, in effect, suspended the operation of the rule by which Fridays and Saturdays⁵ were set apart for the consideration of private bills, until the special order was disposed of.

¹ First session Fifty-first Congress, Record, p. 2012; Journal, p. 315.

² Thomas B. Reed, of Maine, Speaker.

³ First session Thirty-second Congress, Journal, pp. 401, 433.

⁴ Linn Boyd, of Kentucky, Speaker.

⁵ Formerly both Friday and Saturday were given to private bills. (See secs. 3266–3267 of this volume.)

On an appeal by Mr. Olds, the decision was sustained.

On the following Friday, March 5, the same point of order was made, the bill (H. R. No. 7), "A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of 160 acres of land," etc., having been made a special order for the 2d instant, and from day to day until disposed of.

Mr. John R. J. Daniel, of North Carolina, made the point of order, and, on appeal, the decision of the Chair was sustained.¹

3202. On December 19, 1884,² Mr. John H. Reagan, of Texas, as a privileged question, under the special order of March 1 last, called up the interstate commerce bill (H. R. 5461).

Mr. Thomas B. Reed, of Maine, made the point of order that consideration of the bill was not in order, this being Friday, and set apart, under Rule XXVI, exclusively to the consideration of private business.

The Speaker³ overruled the said point of order, on the ground that, by the terms of the order of March 1 last, making the pending bill a "special order," it was made "to continue from day to day until finally acted on" without excepting Friday, while an exception was made in favor of general appropriation and revenue bills.

3203. Where a special order for the consideration of a bill prohibited "intervening motions" between the vote on an amendment and a final vote, it was held to exclude a motion to reconsider.—On April 3, 1894,⁴ the House was considering the Missouri contested-election case of O'Neill *v.* Joy under a special order, which provided:

That after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee.

The vote having been taken on a proposed substitute, it was decided in the negative, yeas 23, nays 160.

Mr. John M. Wever, of New York, moved to reconsider the vote last taken.

Mr. Joseph H. Outhwaite, of Ohio, made the point of order that the motion to reconsider, being an intervening motion, was not in order pending the operation of the special order under which the House was proceeding.

The Speaker⁵ sustained the point of order.

3204. A special order may provide that certain enumerated and described amendments shall be offered to a bill and thereby exclude amendments to these amendments or other amendments.

An example of a special order which provided for fixing a ratio num-

¹ On April 21, 1882, (First session Forty-seventh Congress, Journal, p. 1090; Record, p. 3146), Mr. Speaker Keifer reaffirmed the principle involved in this ruling.

² Second session Forty-eighth Congress, Journal, p. 136; Record, pp. 364, 365.

³ John G. Carlisle, of Kentucky, Speaker.

⁴ Second session Fifty-third Congress, Journal, pp. 304, 305; Record, pp. 3421, 3422.

⁵ Charles F. Crisp, of Georgia, Speaker.

ber by specifying a series of numbers which might be offered successively as amendments.

On August 28, 1893,¹ the House was considering the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

The Speaker announced that amendments were in order as provided in the special order heretofore adopted, to wit:

The vote shall be taken first on an amendment providing for the free coinage of silver at the present ratio. If that fail, then a separate vote to be had on a similar amendment proposing a ratio of 17 to 1; if that fail, on one proposing a ratio of 18 to 1; if that fail, on one proposing a ratio of 19 to 1; if that fail, on one proposing a ratio of 20 to 1. If the above amendments fail, it shall be in order to offer an amendment reviving the act of the 28th of February, 1878, restoring the standard silver dollar, commonly known as the Bland-Allison Act; the vote then to be taken on the engrossment and third reading of the bill as amended, or on the bill itself if all amendments shall have been voted down, and on the final passage of the bill without other intervening motions.

Whereupon Mr. Richard P. Bland, of Missouri, submitted the following amendment:

Provided, That all holders of silver bullion of the value of \$50 or more, and not too base for the operations of the mints, shall be entitled to deposit the same for coinage at the mints of the United States, and to have the same coined into legal-tender standard silver dollars of 412½ grains standard silver to the dollar, on same terms and conditions on which gold bullion is now deposited and coined.

That silver certificates shall be issued on such dollars in the manner now provided by law for the issuing of certificates on standard silver dollars.

It being the first amendment mentioned in the special order, Mr. Benton McMillin, of Tennessee, proposed an amendment to the amendment offered by Mr. Bland.

Mr. Bland objected to the consideration of the amendment proposed by Mr. McMillin.

The Speaker² sustained the objection, holding that the special order of the House excluded amendments to the amendments specified in the order.

3205. On August 28, 1893,³ the House having under consideration under the terms of the special order⁴ the bill for the repeal of the act directing the purchase of silver bullion, etc., the votes had been taken on all the amendments provided for in the special order, and the Speaker announced that the question was on the engrossment and third reading of the bill.

Pending this Mr. Joseph W. Bailey, of Texas, proposed an amendment striking out these words from the bill:

And the faith and credit of the United States are hereby pledged to maintain the parity of the standard gold and silver coins of the United States at the present legal ratio or such other ratio as may be established by law.

Mr. W. Bourke Cockran, of New York, made the point of order that no amendment to the bill was in order, save such as were specified in the special order.

¹ First session Fifty-third Congress, Journal, p. 18.

² Charles F. Crisp, of Georgia, Speaker.

³ First session Fifty-third Congress, Journal, pp. 21 and 22.

⁴ See preceding section for terms of order.

The Speaker¹ sustained the point of order, holding as follows:

The order adopted by the House seems to the Chair to be very plain upon this question. It first provides for general debate, then for debate under the five-minute rule, then names specifically certain amendments which may be offered and upon which a vote shall be taken, and then makes this provision, which is applicable to the point in the consideration of the bill at which we have arrived. After disposing of the amendment providing for the reenactment of the Bland-Allison Act, the order says: "The vote then to be taken on the engrossment and the third reading of the bill as amended, or on the bill itself, if all amendments shall have been voted down, and on the final passage of the bill without other intervening motions." We have arrived at the stage now where the vote is to be taken, according to this order, on the engrossment and third reading of the bill. If the previous question had been ordered on the reading and engrossment of the bill it would not be maintained that a separate vote could then be taken on different propositions contained in the bill. Here is the direction of the House as to what shall be done when we reach this stage—that the vote shall be taken. Therefore the Chair is constrained to sustain the point made by the gentleman from New York, and to hold that under the special order an amendment is not in order.

3206. An instance of the difficulties arising from the terms of a special order which permitted two substitute amendments to a bill to be pending at once.—On February 7, 1895,² the House was considering under a special order³ the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve, etc.

The question then being presented which of the two pending substitutes for the bill should first be considered, the Speaker held that by analogy to the practice in respect to ordinary amendments the substitute which had been first presented in the Committee of the Whole should be first considered in the House.

It appearing that the substitute proposed by Mr. Thomas B. Reed, of Maine, had been thus first presented, the same was read.

Mr. Benton McMillin, of Tennessee, submitted the question of order: In the event the foregoing substitute should be agreed to, what would be the status of the second proposed substitute?

The Speaker¹ held that under the peculiar provision of the special order, which provided that the two substitutes might be reported and pending at the same time, if the first of said substitutes should be adopted, the vote would still have to be taken on the second as a substitute for the bill as amended by the first substitute.

3207. Where a special order declares that at a certain time the previous question shall be considered as ordered on a bill to the final passage, it has usually but not always been held that the motion to commit is precluded.—On February 1, 1889,⁴ the House had passed to be engrossed and read a third time the bill to organize the Territory of Oklahoma under a special order which provided that at a certain hour the votes on amendments, on ordering the third reading, and on the passage "shall then be taken in the House."⁵

¹ Charles F. Crisp, of Georgia, Speaker.

² Third session Fifty-third Congress, Journal, pp. 105, 110, 111, 114.

³ For terms of this special order see section 3229 of this chapter.

⁴ Second session Fiftieth Congress, Record, pp. 1062, 1401.

⁵ See section 3210 of this work for this special order. The language was "and the previous question shall be considered as ordered upon all such amendments, and upon ordering the said bill to be read a third time, and upon the passage of the same, and the votes thereon shall then be taken in the House."

Mr. Charles E. Hooker, of Mississippi, rising to a parliamentary inquiry, asked, "Is it now in order to move to recommit this bill?"¹

The Speaker² said:

It is not. The Chair ruled, in the case of the direct tax bill, that where the House had made an order similar in its terms to that made in this case, it was not in order to move to recommit the bill, because the effect of that motion, if adopted, would be to prevent the House from voting on the passage of the bill.

3208. On February 2, 1895,³ the question was on the passage of the bill (H. R. 7798) relating to the Pacific railroads, when Mr. Charles J. Boatner, of Louisiana, moved to recommit the bill to the Committee on Pacific Railroads.

Mr. William P. Hepburn, of Iowa, made the point that, pursuant to the special order under which the bill was being considered, to wit—

The committee shall rise and report the bill to the House with the pending amendments, if any; the previous question shall then be considered ordered on the amendments, if any, and the bill to its final passage; the vote shall then be taken without intervening motion or motions until the matter is fully disposed of—

the motion to recommit was not in order, and that the vote should be taken immediately on the passage of the bill.

The Speaker⁴ overruled the point of order, holding as follows:

The rules of the House have expressly provided that before or after ordering the previous question on the final passage of the bill one motion to recommit may be made. The Chair does not see that there is anything in the special rule under which the House is operating to expressly forbid that motion in this case. If such a motion as that made by the gentleman from Louisiana should obtain—that is, to recommit the bill—the bill is as fully disposed of, so far as its consideration before the House is concerned, as if it had been disposed of in any other way. It would only come back to the House by a report made by the committee having it in charge, and would go upon the Calendar precisely as if it were a bill which had just been referred to the committee for its consideration. The Chair is inclined to hold, and does hold, that this motion is in order.

3209. On March 31, 1897,⁵ the House passed to be engrossed and read a third time the bill (H. R. 379) to provide revenue for the Government, and to encourage the industries of the United States, under the terms of a special order which provided:

That not later than Wednesday, the 31st day of March, at 3 o'clock p. m., the said bill, with all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, shall be reported to the House, and the previous question shall then be considered as ordered on said amendments and said bill to its engrossment, third reading, and final passage, and on a motion to reconsider and lay on the table.

Mr. Joseph W. Bailey, of Texas, as a parliamentary inquiry, asked if it would be in order to submit a motion to recommit the bill.

The Speaker⁶ decided that it would be in order.

¹This motion to recommit is that provided in Rule X VII relating to the previous question. (See sec. 5443 of Vol. V of this work.)

²John G. Carlisle, of Kentucky, Speaker.

³Third session Fifty-third Congress, Journal, p. 102.

⁴Charles F. Crisp, of Georgia, Speaker.

⁵First session Fifty-fifth Congress, Record, pp. 71, 556.

⁶Thomas B. Reed, of Maine, Speaker.

3210. Special orders are often used to further the consideration of business by preventing dilatory motions, and in such cases the Chair has exercised discretion as to entertaining motions to adjourn, for a recess and appeals.—On January 21, 1889,¹ the House had adopted the following special order:

Ordered, That Thursday, January 24, 1889, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of House bill 10614, entitled "A bill to organize the Territory of Oklahoma, and for other purposes," now in Committee of the Whole on the state of the Union; and at 4 o'clock on said day the said bill shall be reported to the House with such amendments as may have been agreed upon in the committee, and the previous question shall then be considered as ordered upon all such amendments, and upon ordering said bill to be read a third time and upon the passage of the same, and the votes thereon shall then be taken in the House; and in case said bill shall not be taken up on said day, then this shall be a continuing order until one day shall be occupied as herein specified, and provided that a ye and nay vote shall be taken in the House on the pending amendment relating to Union soldiers' homesteads and an amendment to be offered by Mr. Payson to the town-site section of said bill.

Upon February 1, the bill being under consideration according to the terms of the special order, it was ordered to be engrossed and read a third time.

A motion to adjourn having been decided in the negative, Mr. Charles E. Hooker, of Mississippi, moved that the House take a recess until 10 a. m. Monday.

Mr. William H. Hatch, of Missouri, made a point of order against this motion.

The Speaker² said:

The gentleman from Missouri [Mr. Hatch] makes a point of order against this motion under the special order of the House. The opinion of the Chair is that the spirit of that special order was to prevent dilatory motions, but the Chair is not prepared to say that one motion for an adjournment and one motion to take a recess should be construed as a dilatory proceeding. * * * A literal construction of the terms of the special order would prevent the House from adjourning at all until the final vote was taken on the bill, and would also prevent it from taking a recess. Therefore the Chair has not placed upon the order such a strict construction; but the Chair thinks that it is his duty to carry out the spirit and purpose of the order, and whenever it becomes clear that motions are made for dilatory purposes alone the Chair will interpose. * * * The Chair has decided that this proceeding has not yet reached the point where the Chair would feel it his duty to declare the motion dilatory in its nature.

3211. On March 30, 1894,³ after the approval of the Journal, and after a motion to reconsider the vote whereby the Journal was approved had been made, and also a motion to lay the latter motion on the table, Mr. Thomas B. Reed, of Maine, moved that the House adjourn.

Mr. Thomas Lynch, of Wisconsin, made the point of order that this motion was not in order, since by the special order adopted on the 28th instant, and which by its terms continued "from day to day until both cases therein mentioned are disposed of," the contested election cases of *O'Neill v. Joy*, from Missouri, and *English v. Hilborn*, from California, were each to be considered under these conditions prescribed in the order:

That after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee.

¹ Second session Fiftieth Congress, Record, pp. 1062, 1400; Journal, pp. 321, 394.

² John G. Carlisle, of Kentucky, Speaker.

³ Second session Fifty-third Congress, Journal, pp. 292, 293, 295; Record, p. 3349.

After debate, the Speaker ¹ sustained the point of order, holding as follows:

This order providing for the consideration of the two contested election cases itself nominates what motions are in order, and expressly excludes any motions not mentioned in the order. The motions mentioned in the first case are—a vote on the substitute and then a vote on the resolution reported from the Committee on Elections. There is a similar provision as to the California case, and then a provision that this order shall continue to operate from day to day until the cases are fully and finally disposed of.

Yesterday there was a failure of a quorum; a call of the House was ordered, and the House adopted a resolution to send for absentees. In that resolution was a provision that the adjournment of the House should not affect or destroy the force of that order. Everything relating to the call of the House, except so far as preserved by the terms of that resolution, fell by reason of the adjournment. If there had not been an express provision in the resolution to prevent the order of arrest from falling, that, too, would have fallen by the adjournment of the House with the other proceedings under the call. The House then adjourned. This morning when the House met the Chair directed the reading of the Journal. The contested election cases were not called up; the Chair does not say whether they might have been, but they were not.

Under the direction of the Chair, the Journal was read. The question was then upon the approval of the Journal. No point was made against that or against the motion to amend. The House has voted that the Journal be approved. The gentleman from Maine has entered a motion to reconsider the vote by which the House approved the Journal, and pending that motion moves that the House adjourn. Now, the gentleman from Wisconsin makes the point that the motion to adjourn is not in order, because of the terms of the order which has been adopted; and the Chair is inclined to sustain the view of the gentleman from Wisconsin.

Mr. Sereno E. Payne, of New York, stated that he appealed from the decision of the Chair.

The Speaker declined to entertain the appeal.

The Speaker stated that the question was on the reconsideration of the vote by which the Journal was approved; whereupon,

Mr. William M. Springer, of Illinois, made the point of order that the motion to reconsider the vote by which the Journal was approved, being a part of the ordinary business of the House, was, pursuant to special order above referred to not now in order, and that the pending election case took precedence over such motion to reconsider.

The Speaker overruled the point of order, holding that, inasmuch as no point had been made against the motion to reconsider at the time it was made, and, further, the question of approval of the Journal being incomplete while the motion to reconsider was pending, such motion should be first disposed of.

3212. On June 27, 1894² the House was considering the bill (H. R. 353) for the admission of the Territory of New Mexico under a special order, which provided:

That after three hours' consideration thereof, if so much be necessary, the previous question shall be considered as ordered on pending amendments and the engrossment and third reading and final passage of the bill; and then, without intervening motion, the vote shall be taken upon the third reading thereof, and upon the final passage of the bill, and, should a motion to reconsider be made, upon a motion to lay the latter motion on the table.

While the bill was being considered, Mr. Albert J. Hopkins, of Illinois, moved that the House adjourn.

¹ Charles F. Crisp, of Georgia, Speaker.

² Second session Fifty-third Congress, Journal, p. 454; Record, pp. 6906, 6919, 6920.

The Speaker pro tempore¹ held that, pursuant to the order under which the House was acting, the motion of Mr. Hopkins was not in order and could not be entertained.

Later, after further consideration, Mr. Joseph G. Cannon, of Illinois, moved that the House adjourn.

The Speaker pro tempore declined to entertain the motion, for the reason that by the order under which the House was acting no motion not relating to the bill was permitted until the pending bill was disposed of.

3213. On February 4, 1895,² the House had under consideration the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve, etc., and refused to order the said bill to a third reading.

Mr. William M. Springer, of Illinois, moved to reconsider the vote last taken, pending which he submitted a motion that the House take a recess until to-morrow morning at 11 o'clock.

The Speaker held that under the terms of the special order, to wit—

The previous question shall be considered as ordered on said amendments and on the bill to its passage, whereupon, without intervening motion, votes shall be taken on said bill until the same shall have been fully disposed of—

the motion for a recess was not in order.³

Whereupon Mr. Springer moved that the House adjourn.

The Speaker⁴ held that, under the special order, that motion was not in order until the bill was disposed of.

3214. Under the requirements of a special order the Speaker declares the House resolved into Committee of the Whole without action of the House itself at the time.—On January 19, 1897,⁵ a special order was operative which provided:

That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings, etc.

In accordance with this order, immediately after the reading of the Journal the Speaker declared that the House would resolve itself into Committee of the Whole House in accordance with the terms of the special order, which was read at the Clerk's desk.

The Speaker⁶ having left the chair and the Chairman having called the Committee of the Whole to order, Mr. C. J. Erdman, of Pennsylvania, raised the question of order as to whether or not the Speaker might resolve the House into Committee of the Whole without action of the House itself.

The Chairman⁷ stated that it had been done by the Speaker in pursuance of the special order, in the usual way.

¹ Joseph H. Outhwaite, of Ohio, Speaker pro tempore.

² Third session Fifty-third Congress, Journal, pp. 105, 110, 114.

³ The motion for a recess was at this time highly privileged under the rules. (See sec. 5301 of Vol. V of this work.)

⁴ Charles F. Crisp, of Georgia, Speaker.

⁵ Second session Fifty-fourth Congress, Record, p. 934.

⁶ Thomas B. Reed, of Maine, Speaker.

⁷ David B. Henderson, of Iowa, Chairman.

3215. A special order providing that a bill should be open to amendments in Committee of the Whole was held to prevent a motion to strike out the enacting clause.—On March 26, 1897,¹ the House was in Committee of the Whole House on the state of the Union considering the bill (H. R. 379) to provide revenue for the Government and to encourage the industries of the United States, under the terms of a special order, which provided:

* * * That general debate shall continue on said bill during each day until 5 o'clock p.m., and at evening sessions, to which a recess shall be taken, to be held from 8 o'clock till 11 o'clock p. m., until and including Thursday, the 25th day of March, unless sooner concluded; that from the conclusion of general debate until, the 31st day of March there shall be debate upon the said bill by paragraphs, and during this time the bill shall be open to amendment as each paragraph is read, but committee amendments to any part of the bill shall be in order at any time.

Before the Clerk began the reading of the bill Mr. Samuel W. T. Lanham, of Texas, proposed to make the motion to strike out the enacting words of the bill, as provided in Rule XXIII,² section 7.

After debate the Chairman³ held:

The Chair would like to call the attention of the gentleman from Texas to the reading of the special order under which we are operating. * * * The Chair will hold that under the provisions of the special rule under which the committee is now operating the motion of the gentleman is not now in order.

3216. When a bill in Committee of the Whole is made a special order for a certain date without specifying as to consideration in Committee of the Whole the effect of the order is to discharge the committee and bring the bill into the House for consideration.—On December 8, 1886,⁴ during the call of committees, the Committee on Naval Affairs being called, Mr. Hilary A. Herbert, of Alabama, on behalf of that committee, called up a resolution making the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department a special order for a given date.

Mr. Thomas B. Reed, of Maine, having raised a question as to whether the bill, which was in the Committee of the Whole House on the state of the Union, would still under the special order be considered in that committee, the Speaker⁵ said:

Upon an inspection of the resolution the Chair discovers that it makes no provision whatever concerning the question as to whether or not it shall be considered in the Committee of the Whole or in the House; and it has been held heretofore by the predecessors of the present occupant of the chair that when a bill which is in the Committee of the Whole House on the state of the Union has been made a special order by the House it takes it out of the Committee of the Whole.

3217. A bill being made a special order, the requirement that it shall be considered in Committee of the Whole is waived.—On March 26, 1890,⁶ the House adopted this special order:

Resolved, That to-day, immediately after the passage of this resolution, the House enter upon the consideration of the bill for the admission of Wyoming, and at 6 o'clock and 30 minutes take a recess until 11 o'clock Thursday next; and at 1 o'clock of that day the previous question be considered as ordered on the three amendments proposed by the minority and on the bill to its passage.

¹First session Fifty-fifth Congress, Record, p. 352.

²See section 5326 of this work.

³James S. Sherman, of New York, Chairman.

⁴Second session Forty-ninth Congress, Record, p. 42.

⁵John G. Carlisle, of Kentucky, Speaker.

⁶First session Fifty-first Congress, Journal, p. 388; Record, pp. 2663, 2664.

The bill having been taken up, Mr. John H. Rogers, of Arkansas, raised the point of order that the bill should receive its first consideration in Committee of the Whole, as it carried an appropriation.

The Speaker¹ overruled the point of order.

3218. On January 21, 1879,² Mr. Clarkson N. Potter, of New York, called up for consideration a resolution which, on the preceding day, had been made a special order for this day, and which provided for an appropriation to enable the Committee upon the Investigation of Electoral Frauds to examine certain alleged cipher telegrams connected with allegations of the use of corrupt influences on electors or canvassing boards in the States of Florida, South Carolina, and Oregon.

Mr. Omar D. Conger, of Michigan, made the point of order that under the rules the resolution should be considered in Committee of the Whole.

The Speaker³ held:

By unanimous consent the resolution was made a special order immediately after the reading of the Journal. * * * A special order, where the understanding is by unanimous consent that a matter shall be considered in the House, waives all rules that would prevent its consideration in the House. Besides, the resolution does not appropriate money, but directs its payment out of the contingent fund of the House, already or to be hereafter appropriated.

3219. On January 4, 1883,⁴ Mr. John A. Kasson, of Iowa, from the Select Committee on Reform in the Civil Service, reported back a bill in accordance with the terms of this special order:

On motion of Mr. Kasson, by unanimous consent, Senate bill No. 133, to regulate and improve the civil service of the United States, and Senate bill No. 2288, to prevent officers or employees of the United States from collecting moneys, etc., were taken from the Speaker's table, read three times, ordered to be printed, and referred to the Committee on Reform in the Civil Service, with leave to report thereon at any time.

Mr. Richard P. Bland, of Missouri, made the point of order that the bill, as it created new offices and provided for new salaries, should be considered in Committee of the Whole.

The Speaker⁵ said:

The Chair has stated that the House by unanimous consent gave the Committee on Reform in the Civil Service the right to report this bill back at any time. Under the uniform practice of the House that gives the right for immediate consideration of the bill when reported back; makes it, in fact, a special order in the House. Within the last three days several bills reported by the Committee of Ways and Means, which were made a special order, were considered in the House and not in Committee of the Whole.

3220. On January 6, 1883,⁶ the House took up the bill (H. R. 7061) to remove certain burdens on the American merchant marine, etc., under a special order which made the bill a continuing order.

Mr. John H. Reagan, of Texas, made the point of order that the bill must have its first consideration in Committee of the Whole.

¹ Thomas B. Reed, of Maine, Speaker.

² Third session Forty-fifth Congress, Record, p. 608; Journal, pp. 241, 242.

³ Samuel J. Randall, of Pennsylvania, Speaker.

⁴ Second session Forty-seventh Congress, Record, pp. 859, 860; Journal, pp. 162, 163.

⁵ J. Warren Keifer, of Ohio, Speaker.

⁶ Second session Forty-seventh Congress, Record, pp. 925, 926; Journal, p. 181.

After debate the Speaker¹ pro tempore said:

Following the uniform rulings of the present Speaker of the House, as well as the ruling of his immediate predecessor, the gentleman from Pennsylvania [Mr. Randall], the Chair has no difficulty in overruling the point of order.

3221. On February 20, 1890,² the Speaker announced as a special order of business the bills of the House (H. R. 6883) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea, in the city of ———, in the year 1892, and (H. R. 6884) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea at the national capital in the year 1892, under the terms of the following resolution:

Resolved, That Thursday and Friday, February 20 and 21, after the approval of the Journal, be set aside for general debate on bills H. R. 6883 and 6884, and that the vote be taken on Monday, February 24, in the manner prescribed by the resolution submitted with the committee's report, unless the House shall have determined by vote that a world's fair shall not be held.

Mr. Benton McMillin, of Tennessee, made the point of order that the bills, under clause 3 of Rule XXIII must be considered in a Committee of the Whole.

The Speaker³ overruled the point of order on the ground that under the uniform practice of the House the effect of a special order for the consideration of a bill on a particular day exempted it from the provision of the rule quoted; and also on the further ground that under the terms of the resolution fixing the consideration of the bills named, to-day and to-morrow were assigned for general debate, no vote to be taken thereon.

3222. On April 28, 1896,⁴ the House took up the bill (H. R. 6739) for the relief of John N. Quackenbush.

Mr. Nelson Dingley, of Maine, raised a question of order as to whether or not the bill should receive its first consideration in Committee of the Whole.

It having been stated that the bill had on a former day been postponed and made a special order for this day, the Speaker³ decided that the bill should be considered in the House.

3223. On April 6, 1898,⁵ Mr. John A. T. Hull, of Iowa, called up the special order provided for in this entry in the Journal:

On motion of Mr. Hull, by unanimous consent, it was ordered that on Wednesday, April 6, immediately after the reading of the Journal, the bill (H. R. 9253) for the better organization of the line of the Army of the United States shall be considered in the House.

Mr. Joseph W. Bailey, of Texas, in making inquiry as to whether or not the bill should be considered in Committee of the Whole, referred to the entry in the Congressional Record as not showing that consideration in the House was required.

¹ Joseph G. Cannon, of Illinois, Speaker pro tempore.

² First session Fifty-first Congress, Journal, p. 260; Record, p. 1551.

³ Thomas B. Reed, of Maine, Speaker.

⁴ First session Fifty-fourth Congress, Record, p. 4530.

⁵ Second session Fifty-fifth Congress, Record, p. 3620.

After debate the Speaker¹ said:

The Chair desires to add that not only does the Journal control, but even if the language used was that which was contended for, as against the Journal of the House, nevertheless, under the ruling of Mr. Carlisle, it would be considered in the House.

3224. On June 17 1902² the House was acting under a special order which devoted the day to business presented by the Committee on the Judiciary, when Mr. George W. Ray, of New York, called up the bill (H. R. 14923) for the appointment of five additional United States commissioners and five additional constables in Indian Territory.

A question being raised as to the consideration of the bill in Committee of the Whole, the Speaker³ said:

The Chair thinks that the special order allows the gentleman to bring it up in the House.

3225. A Committee of the Whole ordinarily reports only such amendments as it has agreed to; but sometimes by direction of a special order it reports also amendments pending and undisposed of when it rises.—On Friday, August 5, 1892⁴ the House was considering the bill (H. R. 9710) amendatory of the act providing for the Columbian Exposition, under the terms of a special order which provided:

That at the hour of 1 o'clock on Friday next, unless said bill shall have been sooner disposed of, the Committee of the Whole shall report said bill and pending amendments to the House, and the previous question shall then be considered as ordered on the amendments, on the bill to its engrossment and third reading, and to its final passage; and the vote shall then be taken on said amendments, on the engrossment and third reading, and should the latter motion prevail, on the passage of the bill.

In accordance with this order the committee rose and the Chairman reported the bill to the House without recommendation, and also reported that when the committee rose there was pending therein and undisposed of an amendment in the nature of a substitute for the first section, the provisions of which were therewith given.

Mr. Albert J. Hopkins, of Illinois, made the point of order that the amendment proposed in committee, not having been reported from the Committee of the Whole, the same was not pending; that the previous question applied to the bill and such amendments as might be reported from the Committee of the Whole, and that therefore the only vote to be taken was upon the bill itself.

The Speaker⁵ overruled the point of order, holding that the resolution must be construed as permitting a vote on the amendments pending and undisposed of in committee and so reported to the House, although without recommendation by the committee.

3226. On February 1, 1894,⁶ at 12 m., pursuant to the terms of a special order, the Committee of the Whole House on the state of the Union rose and the Chairman reported that the committee having had under consideration the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, had

¹ Thomas B. Reed, of Maine, Speaker.

² First session Fifty-seventh Congress, Record, p. 6961.

³ David B. Henderson, of Iowa, Speaker.

⁴ First session Fifty-second Congress, Journal, p. 355; Record, p. 7100.

⁵ Charles F. Crisp, of Georgia, Speaker.

⁶ Second session Fifty-third Congress, Journal, p. 128; Record, p. 1792.

agreed to sundry amendments thereto; also that when the committee arose there was pending in the Committee of the Whole an amendment, as follows:

On page 29, lines 23 and 24, amend by striking out the word “twenty,” in line 23, and inserting the word “twenty-five,” and striking out the word “thirty,” in line 24, and inserting the word “thirty-five.”

For which amendment a substitute was pending, as follows:

Amend by striking out in line 23 the words “twenty per cent ad valorem” and inserting the words “twenty-two cents per bushel;” and by striking out in line 24 the words “thirty per cent ad valorem” and inserting the words “thirty-two cents per bushel.”

After three hours’ debate, the previous question having, by the special order of January 9,¹ been ordered on the pending amendments and on the bill to its passage, the Speaker stated that the question would first be taken on the substitute for the pending amendment undisposed of by the Committee of the Whole, which had been reported to the House.

Mr. Daniel Lockwood, of New York, submitted the point of order that the amendment not having been agreed to by the Committee of the Whole was not before the House.

The Speaker² overruled the point of order, holding that under the clause of the special order, to wit,

That at the hour of 12 o’clock m. said bill, with all amendments recommended by or that may be pending in Committee of the Whole, shall be reported to the House,

amendments pending and undisposed of in Committee of the Whole and so reported to the House were also pending in the House and were to be acted upon.

3227. On June 22, 1894,³ the House was considering the bill (H. R. 7007) regulating the sale of certain agricultural products, defining “options” and “futures,” etc., under a special order adopted on the preceding day and providing—

* * * to permit amendments and debate in Committee of the Whole under the five-minute rule for two hours immediately after the morning hour on to-morrow, the bill to be then reported to the House, the previous question to be then ordered on the bill to its passage.

This order was amendatory of a prior one which had provided for a vote on “pending amendments.”

At the hour fixed the Committee of the Whole arose and the Chairman reported that the committee had had the bill under consideration and had directed him to report the same with amendments, and with the recommendation that as so amended it do pass.

Mr. Benjamin F. Funk, of Illinois, made the point of order that under the order of yesterday and of the preceding day, by which the previous question was ordered on the bill and amendments, an amendment which he had proposed in Committee of the Whole, and which had not been disposed of, should be voted on by the House, although not reported from the committee.

The Speaker pro tempore⁴ overruled the point of order submitted by Mr. Funk, holding that the order for the previous question only included amendments favorably reported from the Committee of the Whole.

¹ For full terms of this special order see section 3258 of this chapter.

² Charles F. Crisp, of Georgia, Speaker.

³ Second session Fifty-third Congress, Journal, pp. 441, 443, 445; Record, pp. 6732, 6736.

⁴ Joseph W. Bailey, of Texas, Speaker pro tempore.

3228. On January 29, 1895,¹ the House was considering the bill (H. R. 8310) to amend an act entitled “An act to reduce taxation, to provide revenue for the Government, and for other purposes,” under a special order, which provided that after a certain time given to debate:

* * * The committee shall then rise and report the bill with pending amendments, if any, to the House; when the previous question shall be considered ordered on the pending amendments, if any, and the bill to its final passage. The vote shall then be taken without intervening motion or motions until the matter is fully disposed of.

The committee having risen according to the order, the Chairman reported that the committee had had under consideration the said bill H. R. 8310, and that when the committee arose there was pending in committee the following amendment, to wit:

But this repeal shall not be held to imply that the United States surrenders or waives its right, under international law and treaties containing the favored-nation clause, to offset export bounties with equivalent differential duties whenever Congress deems the exercise of this right expedient.

The Speaker pro tempore² stated that the question would be on agreeing to the amendment reported as pending in committee.

Mr. W. C. P. Breckinridge, of Kentucky, made the point that the amendment not having been acted on by the Committee of the Whole it was not now pending in the House.

The Speaker pro tempore² overruled the point, holding that pursuant to the resolution under which the bill was now being considered an amendment pending in committee and undisposed of at the time the committee arose was before the House to be voted on.

3229. When a special order directs a Committee of the Whole to report “pending amendments,” this does not include an amendment only partially read when the Committee of the Whole rises.

Form of special order limiting the time of consideration of a bill in Committee of the Whole and in the House.

On February 7, 1895,³ the House was considering the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve, etc., under a special order, which provided:

It shall be in order, immediately after general debate is closed, to offer an amendment to any section of the bill, and two substitutes for the whole bill (provided that no more amendments shall be pending at one time than are permitted by the rules of the House), and no more than thirty minutes’ debate (fifteen minutes on a side) shall be permitted on any amendment before the vote shall be taken thereon; that on Thursday, the 7th instant, after the call of committees for reports, the House shall again go into Committee of the Whole for the consideration of said bill under the five-minute rule, with the modification mentioned herein, and consideration thereof shall continue until 3.30 p. m. of said day, when the committee shall rise and report said bill to the House, together with any amendments that may have been agreed to, or may be pending, in the committee, when the previous question shall be considered as ordered on said amendments and on the bill to its passage, whereupon, without intervening motion, votes shall be taken on said bill until the same shall have been fully disposed of.

The committee having risen pursuant to this order, the Chairman reported the bill with amendments recommended by the Committee of the Whole; also that when

¹Third session Fifty-third Congress, Journal, pp. 91, 92; Record, p. 1517.

²James D. Richardson, of Tennessee, Speaker pro tempore.

³Third session Fifty-third Congress, Journal, pp. 105, 110, 111, 114; Record, p. 1921.

the committee arose there were pending in said committee (as authorized by the special order) two proposed substitutes for the bill, one submitted by Mr. Cox, of Tennessee, to which substitutes there were pending an amendment proposed by Mr. Cobb, of Alabama; the other, a substitute submitted by Mr. Reed, to which latter substitute there was pending an amendment submitted by Mr. Bryan.

Mr. William L. Terry, of Arkansas, made the point that there was also pending and undisposed of an amendment, submitted by himself, to the original text of the bill which should also be voted on in the House.

It appearing that the amendment proposed by Mr. Terry had not been completely read, and not having been reported to the House, the Speaker¹ held that it was not now before the House, and that the Chairman of the Committee of the Whole had properly omitted the same from his report.

3230. Construction of a special order limiting time for making motions to suspend the rules.—On June 5, 1906,² a motion had been made to suspend the rules and pass the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

At the conclusion of the reading of the bill, Mr. W. Bourke Cockran, of New York, raised the question of order that, as the two hours of this day set apart for motions to suspend the rules had expired, it was not in order to proceed further with the bill.

The Speaker³ held:

The Chair will state (reading from the Record):

“ORDER OF BUSINESS.

“Mr. PAYNE. Mr. Speaker, the House is about to adjourn, and I ask unanimous consent that for two hours to-morrow, immediately after the reading of the Journal, it shall be in order to make motions to suspend the rules and pass bills the same as in order to-day.”

The gentleman will notice that it is not that it shall be in order to make a motion to consider for two hours, but to make motions the same as to-day. Now, under the construction of the order made by unanimous consent, it seems to the Chair the usual construction would be the motion might be made within the two hours, and it would remain in the nature of unfinished business; but it would not be in order to recognize anybody or at any time after 2 o'clock to move to suspend the rules. Recognition having been given, and the motion made prior to 2 o'clock, in the opinion of the Chair the point of order is not well taken, and is therefore overruled.

Mr. Cockran having appealed, the appeal was laid on the table, ayes 155, noes 37.

3231. Forms of special orders for limiting the time of consideration of a bill and restricting amendments.—On December 26, 1895,⁴ this special order was reported from the Committee on Rules and agreed to by the House for the consideration of an emergency revenue bill:

Resolved, That immediately after the adoption of this resolution it shall be in order in the House to call up for debate, the previous question being considered as ordered, a bill reported by the Committee on Ways and Means entitled “A bill to temporarily increase revenue to meet the expenses of Government and provide against a deficiency;” that at 5 o'clock, without delay or other motion, the vote shall be taken. General leave to print is hereby granted for ten days.

¹ Charles F. Crisp, of Georgia, Speaker.

² First session Fifty-ninth Congress, Record, p. 7873.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ First session Fifty-fourth Congress, Record, p. 305.

3232. On December 27, 1895,¹ the House adopted this order:

Resolved, That immediately upon the adoption of this rule it shall be in order in the House to call up for debate a bill reported by the Committee on Ways and Means entitled "A bill to maintain and protect the coin-reserve fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue," the previous question being considered as ordered; that at 5 p. m. this day a recess be taken until 7 p. m., when the session shall continue until 10 p. m.; that debate shall be resumed immediately after reading the Journal Saturday, December 28, and that the vote shall be taken at 3 p. m. on the bill without delay or other motion, separate votes being taken on each section, if demanded, and that leave to print be granted for ten days.

3233. On February 13, 1903,² the following special order was reported from the Committee on Rules and agreed to by the House:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to debate for a period not exceeding one hour the bill (S. 7053) to further regulate commerce with foreign nations and among the States, with the amendments thereto recommended by the Committee on Interstate and Foreign Commerce, as set forth in their report (No. 3765) on the said bill; and at the end of the debate a vote shall be taken on the said amendments and on the bill to its final passage, without intervening motion.

3234. On November 16, 1903,³ Mr. John Dalzell, from the Committee on Rules, submitted the following resolution, which was agreed to after debate, yeas 183, nays 160:

Resolved, That immediately on the adoption of this rule, and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill H. R. 1921, a bill to carry into effect a convention between the United States and the Republic of Cuba, signed on the 11th day of December, 1902; that not later than 4 o'clock on November 19 general debate shall be closed in Committee of the Whole, and whenever general debate is closed the committee shall rise and report the bill to the House; and immediately the House shall vote without debate or intervening motion on the engrossment and third reading and on the passage of the bill.

3235. On April 19, 1904,⁴ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution, which was agreed to by the House:

Resolved, That immediately after the adoption of this resolution the bill (H. R. 14749) entitled "A bill to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," shall be taken up for consideration in the House as in Committee of the Whole, and general debate may be had on said bill until 4.30 o'clock p. m., at which hour, or earlier if said general debate shall cease earlier, a vote shall at once be taken upon the following amendments to said bill, which shall be considered as pending—that is to say, on page 5, in line 2, after the word "marriages," and on page 22, in line 25, before the word "are," insert in each case the words "and the sale, barter, or giving of intoxicating liquors to Indians," so that the closing sentence of the paragraph in each case as amended shall read: "and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited"—and on the bill to its final passage, without intervening motion or appeal.

¹ First session Fifty-fourth Congress, Record, p. 343.

² Second session Fifty-seventh Congress, Record, pp. 2151–2155; Journal, p. 240.

³ First session Fifty-eighth Congress, Journal, pp. 53, 54; Record, pp. 254–259.

⁴ Second session Fifty-eighth Congress, Record, p. 5094, Journal, p. 628.

3236. On January 24, 1906,¹ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution, which was agreed to by the House, yeas 188, nays 158:

Resolved, That immediately upon the adoption of this order, and daily hereafter, immediately on the approval of the Journal, so long as the bill hereinafter referred to shall be pending in Committee of the Whole House on the state of the Union, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; that after the said bill shall have been read general debate shall continue until Thursday next at 3 p. m.; and at that hour, or, if general debate shall be concluded before that hour, immediately upon the conclusion of said general debate, the Committee of the Whole House on the state of the Union shall rise and report the bill to the House; whereupon immediately, without debate, intervening motion, or appeal, a vote shall be taken on the bill to a final passage: *Provided further*, That general leave to print remarks on the bill is hereby granted for six legislative days after Thursday, the 25th day of January next.

3237. Form of special order for considering a class of bills in Committee of the Whole, with a limit of debate for each bill.—On January 18, 1897,² the House, by the following special order, gave additional time for the consideration of private pension bills:

Resolved, That on Tuesday, the 10th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings, and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however*, That nothing in this resolution shall be construed as interfering with conference reports on general appropriation bills.

3238. Form of special order for considering a bill in Committee of the Whole with provision for a report and action in the House at a certain time.—On February 25, 1907,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution, which was agreed to, yeas 161, nays 109:

Resolved, That immediately upon the adoption of this order and on each day hereafter until and including Friday of this week, at such time as the House shall not be considering general appropriation bills, conference reports, or motions to suspend the rules, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce; and after five hours of general debate, which shall be confined to the bill, the substitute amendment reported by the Committee on Merchant Marine and Fisheries shall be read for amendment under the five-minute rule; and on Friday, March 1, at 3 o'clock, unless consideration shall have been sooner concluded, the Committee of the Whole shall rise and report the bill, whereupon the previous question shall be considered as ordered on the amendment in the nature of a substitute and on any pending amendment thereto and on the bill to a final passage: *Provided*, That at any time, by direction of the chairman of the Committee of the Whole, the committee shall rise to consider in the House general appropriation bills, conference reports, and motions to suspend the rules: *And provided further*,

¹ First session Fifty-ninth Congress, Record, pp. 1499–1507.

² Second session Fifty-fourth Congress, Record, p. 903.

³ Second session Fifty-ninth Congress, Record, p. 3944.

That at the conclusion of the consideration of the aforesaid matters the Committee of the Whole shall resume its sitting on direction of the Speaker.

General leave to print shall be granted for ten days on the bill, said ten days to run from the adoption of this order.

3239. On June 20, 1906,¹ Mr. John Dalzell, from the Committee on Rules, submitted the following order, which was agreed to by the House, yeas 143, nays 72:

Resolved, That immediately upon the adoption of this order, and daily thereafter after the disposal of business on the Speaker's table, if there be any, and consideration of such conference reports as may be called up, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 88, "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," and after general debate, which shall continue not over six hours and which shall be confined to a discussion of the bill, the amendment in the nature of a substitute, reported by the Committee on Interstate and Foreign Commerce, shall be considered under the five-minute rule; and after the consideration of the said amendment in the nature of a substitute, both in general debate and for amendment, shall have continued not more than twelve hours, the committee shall rise and report the bill to the House with the substitute amendment and with such amendments to the said substitute as may have been agreed to; and thereupon the vote shall be taken on the substitute, the amendments thereto, and on the bill to the final passage without intervening motion or appeal: *Provided*, That at any time the committee may rise informally to enable conference reports, Senate amendments to general appropriation bills, or business on the Speaker's table to be considered in the House.

3240. On June 16, 1902,² Mr. Henry A. Cooper, of Wisconsin, presented, by unanimous consent, and the House agreed to, the following:

That immediately after the reading of the Journal on Thursday, June 19, and each day thereafter until and including Thursday, June 26, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2295.

That general debate on said bill shall continue for five days.

That after Thursday, June 19, and during the continuance of this order, the House shall meet each day at 11 o'clock, and 5 o'clock on each day a recess shall be taken until 8 o'clock for evening sessions, which evening sessions shall continue not later than 10.30 p. m. and be devoted to debate only on said bill.

That on Wednesday, June 25, the House, in Committee of the Whole, shall immediately proceed with the consideration of the said bill under the five-minute rule; that consideration of the text of the Senate bill for amendment shall be waived and the Committee of the Whole shall proceed to consider, for discussion and amendment by sections, the substitute amendment proposed by the Committee on Insular Affairs: *Provided, however*, That at any time amendments may be offered on behalf of said committee to any part of said substitute amendment.

That at 4 o'clock on Thursday, June 26, the Committee of the Whole shall rise and report said bill and all pending amendments to the House, and thereupon the previous question shall be considered as ordered upon the bill and all pending amendments thereto, including one amendment in the nature of a substitute to be offered by the minority of the Committee on Insular Affairs, to final disposition without intervening motions.

That leave is hereby granted to all Members speaking on said bill to extend their remarks in the Record.

Provided, That this order of the House shall not interfere with the consideration of appropriation or revenue bills, conference reports, or Senate amendments to House bills. If, however, the consideration of any such bills or reports consumes an hour or more of the time of the House on any day during the continuance of this order then the time for the consideration of the bill S. 2295 and the time for reporting the same to the House by the Committee of the Whole shall be correspondingly extended. Such extension of time to apply to the debate under the five-minute rule.

¹First session Fifty-ninth Congress, Record, p. 8836.

²First session Fifty-seventh Congress, Journal, p. 811; Record, p. 6866.

3241. On April 3, 1906,¹ Mr. John S. Williams, of Mississippi, from the Committee On Rules,² reported the following, which was agreed to by the House:

Resolved, That immediately upon the adoption of this resolution it shall be in order to consider the bill (H. R. 14316) entitled "A bill to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon," with the amendment in the nature of a substitute as proposed by the Committee on Interstate and Foreign Commerce and printed on pages 4669 and 4670 of the Record of March 31, 1906; and the said amendment in the nature of a substitute shall be read by sections for consideration in the House as in Committee of the Whole.

General debate shall continue until 4 o'clock p. m. and thereafter debate under the five-minute rule until 5 o'clock p. m., at which time the previous question shall be considered as ordered upon the bill and all pending amendments to the final passage. Amendments shall be in order at any time during the consideration of the bill under the five-minute rule to any paragraph thereof, whether the same shall have been reached or not.

3242. Form of special order for amending a Senate bill and asking a conference with the Senate thereon.—On February 23, 1907,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution, which was agreed to by the House:

Resolved, That the bill (S. 5133) entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon" be, and the same is hereby, taken up for consideration; that the amendment recommended by the Committee on Interstate and Foreign Commerce be, and hereby is, agreed to, with the following amendments thereto, to wit:

1. In line 3, on page 4, and in line 6, on page 5, strike out the word "knowingly."
2. Beginning with the word "unless," in line 13, on page 4, strike out the language to and including the word "duty," in line 17 of said page.
3. In lines 13 and 14, on page 5, strike out the words "under direction of the Attorney-General."
4. In line 14, on page 5, strike out the word "duty" and insert the word "satisfactory."
5. In line 3, on page 6, strike out the word "ordinary" and insert the word "reasonable."
6. In line 22 and in line 24, on page 4, strike out the word "consecutive."

That the bill as amended be, and hereby is, passed; that a conference be, and hereby is, asked with the Senate, and that the Speaker be, and he hereby is, directed to appoint, without intervening motion or appeal, the managers of the conference on the part of the House.

3243. Form of special order for considering numerous Senate amendments to a House bill without permitting debate and a vote on each separate amendment, and for asking a conference at the same time.—The consideration of the Senate amendments to a tariff bill sometimes takes place under a special order like that adopted July 8, 1897:⁴

Resolved, That upon the adoption of this resolution it shall be in order to move to nonconcur in gross in the Senate amendments to House bill No. 379 and agree to a committee of conference, asked for by the Senate, on the disagreeing votes of the two Houses; and the House shall, without further delay, proceed to vote upon said motion; and if the said motion prevail, a committee of conference shall be appointed without instructions; and said committee shall have authority to join with the Senate committee in renumbering the paragraphs and sections of said bill when finally agreed upon.

¹ First session Fifty-ninth Congress, Record, p. 4661.

² Mr. Williams was a member of the minority party in the House.

³ Second session Fifty-ninth Congress, Record, p. 3755.

⁴ First session Fifty-fifth Congress, Record, p. 2478.

3244. On June 6, 1898,¹ the Senate amendments to the war-revenue bill were nonconcurrent in under this order:

Resolved, That upon the adoption of this resolution it shall be in order to move to nonconcur in gross in the Senate amendments to House bill No. 10100 entitled "An act to provide ways and means to meet war expenditures," and agree to a committee of conference asked for by the Senate on the disagreeing votes of the two Houses; and the House shall, without further delay, proceed to vote upon said motion; and if the said motion prevail a committee of conference shall be appointed without instructions.

3245. On April 11, 1900,² Mr. John Dalzell, of Pennsylvania, as a privileged report from the Committee on Rules, presented the following resolution, which was agreed to by the House:

Resolved, That immediately upon the adoption of this resolution the Committee of the Whole House on the state of the Union shall be discharged from the consideration of the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes," and the Senate amendments thereto; that the same shall be considered in the House until the hour of 5 o'clock p. m. on Wednesday, April 11, 1900, when, without delay or other motion, a vote shall be taken on the motion to concur in the said Senate amendments in gross; and all Members shall have leave to print on the subject of said bill and amendments for ten days from the adoption of this rule.

3246. On February 17, 1905,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented this resolution, which was agreed to by a vote of yeas 161, nays 127:

Resolved, That the Committee on the Territories be, and hereby is, discharged from the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House, and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill.

3247. On May 25, 1906,⁴ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, submitted the following resolution, which was agreed to, yeas 144, nays 105:

Resolved, That the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, be, and hereby is, taken from the Speaker's table with Senate amendments thereto, to the end that the said amendments be, and hereby are, disagreed to, and a conference be, and hereby is, asked with the Senate on the disagreeing votes upon the said amendments; and the Speaker shall immediately appoint the conferees without intervening motion.

3248. On May 31, 1906,⁵ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution, which was agreed to, yeas 154, nays 69:

Resolved, That the bill (H. R. 16953), entitled "An act making appropriations for the service of the Post-Office Department," etc., is hereby taken from the Speaker's table, to the end that the Senate amendments be, and hereby are, disagreed to in gross, and a conference be, and hereby is, asked with the Senate on the disagreeing votes of the two Houses; and the Speaker be, and hereby is, directed to appoint the managers of the conference without intervening motion.

¹ Second session Fifty-fifth Congress, Record, p. 5566.

² First session Fifty-sixth Congress, Record, p. 4028; Journal, p. 459.

³ Third session Fifty-eighth Congress; Record, pp. 2785-2789.

⁴ First session Fifty-ninth Congress, Record, p. 7428.

⁵ First session Fifty-ninth Congress, Record, p. 7674.

3249. On June 12, 1906,¹ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, submitted the following resolution, which was agreed to, yeas 184, nays 100:

Resolved, That the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, with the Senate amendments thereto, be, and hereby is, taken from the Speaker's table; that the House further insists on its disagreement to the Senate amendments thereto in gross, and that the conference asked by the Senate is hereby agreed to; whereupon immediately, without intervening motion, the managers of the conference shall be appointed.

3250. Example of special order for disposition of Senate amendments.
By special order the motion for a recess has been given temporary privilege.

On the calendar day of February 27, 1903² (legislative day of February 26), the Committee on Rules reported, and the House agreed to, the following:

Resolved, That immediately upon the adoption of this rule, and at any time thereafter during the remainder of this session, it shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read, the question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

And further, For the remainder of this session the motion to take a recess shall be a privileged motion and take precedence of the motion to adjourn.

On March 2³ (legislative day of February 26) the Committee on Rules reported, and the House agreed to, the following:

Resolved, That immediately upon the adoption of this order, or at any time thereafter, the Speaker may lay before the House the bill (H. R. 12199) to regulate the immigration of aliens into the United States, now on the Speaker's table, and, the Senate amendments thereto having been read, the question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

And further, That for the remainder of this session whenever a conference report shall have been presented and read, there shall be ten minutes of debate, and at the end of that time the previous question shall be considered as ordered on agreeing to said report.

3251. Form of special order for consideration of an omnibus claims bill in the House and in Committee of the Whole, with arrangement for purging the bill of unauthorized items.—On February 4, 1895,⁴ this special order was adopted, specifying the method as well as time of consideration:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole for the consideration of House bill 8445; that should there be in said bill any item or claim which is not for stores and supplies, and which has not been examined, investigated, and reported favorably by the Court of Claims under the act of 1883 known as the Bowman Act, and

¹ First session Fifty-ninth Congress, Record, p. 8340.

² Second session Fifty-seventh Congress, Journal, p. 299; Record, pp. 2760–2763.

³ Journal, p. 329; Record, p. 2913–2916.

⁴ Third session Fifty-third Congress, Journal, p. 104.

reported favorably by the Committee on War Claims of the House, the same shall be stricken out on point of order made thereon; and no claim shall be in order as an amendment to said bill which is not of the same class and been so reported by the Court of Claims and the Committee on War Claims; that at the hour of 4 o'clock p. m. the same day the committee shall rise and report the bill and amendments to the House, when the previous question shall be considered as ordered on amendments and on the bill to its passage, whereupon, without intervening motion, votes shall be taken upon said bill until the same shall have been fully disposed of.

3252. Form of special orders for assigning a day for consideration in the House of bills reported from a certain committee.—On July 10, 1886,¹ the House gave special time to a certain committee by adopting this resolution, reported from the Committee on Rules:

Resolved, That Tuesday, the 13th day of July, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of such business as may be presented by the Committee on Ways and Means, not to include any bill raising revenue; and if any bill shall be under consideration and not disposed of when the House adjourns on that day the consideration of such bill shall continue from day to day, immediately after the reading of the Journal, until disposed of.

3253. On May 18, 1896:²

Resolved, That immediately after the adoption of this rule, and until 4 o'clock Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization, and that at 4 o'clock May 20 the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

3254. Form of special order providing for the consideration of two distinct bills successively, either in the House alone or in Committee of the Whole.—On May 20, 1896:³

Resolved, That Thursday and Friday next shall be allotted to bills from the Committee on Labor, as follows:

Thursday, May 21, 1896, the House shall, immediately after the reading of the Journal, resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill 6119, entitled "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and that at 4 o'clock p. m. on the same day the committee shall rise and report the bill, with such amendments as may have been adopted, to the House, whereupon the previous question shall be considered as ordered upon the amendments to the bill to its passage.

And, further, that on Friday, May 22, after the disposal of unfinished business, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 268) entitled "A bill concerning carriers engaged in interstate commerce and their employees," and at 4 o'clock p. m. on that day the committee shall rise and report the bill to the House with such amendments as shall have been adopted, and thereupon the previous question shall be considered as ordered upon the amendments and bill to the passage: Provided, however, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

3255. On February 2, 1894:⁴

Resolved, That immediately upon the adoption of this order the House proceed to the consideration of House resolution printed as Miscellaneous Document No. 75, reported from the Committee on

¹ First session Forty-ninth Congress, Record, pp. 6759, 6760; Journal, pp. 2171, 2172.

² First session Fifty-fourth Congress, Record, p. 5381.

³ First session Fifty-fourth Congress, Record, p. 5466.

⁴ Second session Fifty-third Congress, Journal, p. 132.

Foreign Affairs January 29, 1894, expressive of the sense of the House of Representatives relative to Hawaiian affairs; that the consideration thereof be resumed immediately after the first morning hour on the two legislative days following next after that day on which this order is adopted; that at the hour of 4 o'clock p. m. on the last of said legislative days the previous question be considered as ordered on said resolution and pending amendments, and then, without intervening motion, the vote be taken thereon; that immediately after said resolution shall have been disposed of, and not before, the House shall proceed to the consideration of House resolution printed as Miscellaneous Document No. 43, reported adversely from the Committee on Foreign Affairs on December 21, 1893, relating to policy respecting intervention of the United States Government in affairs of foreign friendly governments; and the consideration thereof shall continue from day to day, after the second morning hour, until disposed of.

3256. On May 31, 1900,¹ Mr. John Dalzell, of Pennsylvania, reported the following resolution from the Committee on Rules, which was agreed to by the House:

Resolved, That House Joint Resolution 138, proposing an amendment to the Constitution of the United States, be made the special order in the House and taken up immediately on the adoption of this order; that general debate shall continue during the day and during a night session from 8 to 10.30 o'clock and until 5 p. m. Friday, June 1, when the previous question on the resolution and amendments thereto reported from the committee to its final passage shall be considered as ordered, and the vote taken thereon without delay or intervening motion.

That the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be made the special order in the House and taken up immediately after the disposition of said House joint resolution 138; that general debate thereon be limited to one hour, thirty minutes on each side, and that the same be then considered under the five minute rule as in the Committee of the Whole until 4 o'clock p. m., of Saturday, June 2, when the previous question on the bill and pending amendments shall be considered as ordered and the final vote taken; that at the opening of the general debate on House joint resolution 138 the amendments to H. R. 10539, proposed on the part of the minority in their views as filed, shall be read from the Clerk's desk, and considered as pending when the vote is taken on said bill H. R. 10539, the time occupied in such reading not to be taken from the time of any Member; that all Members have leave to print upon such measure, or either of them within five days after final vote taken.

This rule shall not interfere with the consideration of conference reports.

3257. On February 5, 1903,² Mr. Charles H. Grosvenor, of Ohio, from the Committee on Rules, presented a resolution, which was amended and agreed to in the following form:

Resolved, That immediately upon the adoption of this rule it shall be in order to consider in the House the bill (H. R. 16458) to expedite the hearing of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" and after one hour of consideration, or so much thereof as may be necessary, the previous question shall be considered as ordered on said bill and pending amendments: *Provided*, That if before the consideration of the above-mentioned bill shall have been concluded the bill S. 6773, relating to the same subject-matter, shall have been received from the Senate, it shall be taken from the Speaker's table and substituted for consideration in lieu of the said bill H. R. 16458, and shall be considered in all respects as the bill H. R. 16458 would have been considered under the terms of this order; and that so soon as the said bill H. R. 16458, or the bill S. 6773, shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part; and general debate on said bill shall continue for ten hours, when the amendment in the nature of a substitute recommended by the Committee on

¹ First session Fifty-sixth Congress, Record, p. 6300; Journal, p. 647.

² Second session Fifty-seventh Congress, Journal, p. 208; Record, pp. 1743-1746.

the Judiciary shall be read for amendment under the five-minute rule, and after three hours, unless said consideration under the five-minute rule shall be sooner concluded, the Committee of the Whole shall rise and report the bill with the substitute amendment as perfected by the Committee of the Whole; whereupon, without debate or intervening motion, the vote shall be taken on said amendment and the bill to final passage: *And provided further*, That on the legislative day succeeding the one on which this order shall begin to operate, the House shall meet at 10 a. m.; and that all Members have leave for five days to print on the subjects of either of the bills referred to in this order.

3258. Forms of special order for considering in the Committee of the Whole and the House, within certain limits of time, a general tariff bill.—On January 5, 1894,¹ the Committee on Rules reported and the House adopted this special order for the consideration of the general (called the Wilson) tariff bill:

Resolved, That after the passage of this resolution the House shall meet each legislative day at 11 o' clock a. m.; that, beginning to-day, without intervening motion, except conference reports and reports from the Committee on Rules, the Journal shall be read, business under clause 1, Rule XXIV, shall be disposed of, the Speaker shall call the committees for reports, and then the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 4864, "A bill to reduce taxation, to provide revenue for the Government, and for other purposes;" that general debate on said bill shall be limited to the hour of adjournment on Wednesday, the 10th of January; that on Thursday, the 11th of January, present, said bill shall be read through, and shall from day to day be open to amendment in any part thereof; that on Thursday, the 25th of January, at the hour of 12 o'clock m., said bill, with all amendments recommended by or that may be pending in Committee of the Whole, shall be reported to the House; that the previous question shall then be considered ordered upon pending amendments and the bill to its passage. That, without other motion, the vote shall then be taken on the pending amendments, on the engrossment and third reading, on a motion to recommit with or without instructions, should such motion be made, on the final passage of the bill, and on a motion to reconsider and lay on the table. That, beginning on Monday next, at the hour of 5.30 o'clock each day, the House shall take a recess until 8 o'clock, the evening session to be devoted to general debate on said bill only. General leave to print remarks on said bill is hereby granted.

3259. The form of special order adopted March 19, 1897,² for consideration of the general (called the Dingley) tariff bill was:

Resolved, That on and after Monday, March 22, 1897, and until the final vote on the bill herein-after mentioned shall have been taken, the House shall meet on each legislative day at 10 o'clock a. m.; that on each of said days immediately after the reading of the Journal the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 379) to provide revenue for the Government and to encourage the industries of the United States; that general debate shall continue on said bill during each day until 5 o'clock p. m., and at evening sessions, to which a recess shall be taken, to be held from 8 o'clock till 11 o'clock p. m., until and including Thursday, the 25th day of March, unless sooner concluded; that from the conclusion of general debate until the 31st day of March there shall be debate upon the said bill by paragraphs, and during this time the bill shall be open to amendment as each paragraph is read, but committee amendments to any part of the bill shall be in order at any time; that not later than Wednesday, the 31st day of March, at 3 o'clock p. m. the said bill, with all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, shall be reported to the House, and the previous question shall then be considered as ordered on said amendments and said bill to its engrossment, third reading, and final passage, and on a motion to reconsider and lay on the table.

General leave to print remarks on said bill is hereby granted, to continue for twenty days after the final vote of the House thereon.

¹ Second session Fifty-third Congress, Journal, p. 61.

² First session Fifty-fifth Congress, Record, p. 72; Journal, p. 24.

3260. Forms of special orders authorizing legislative provisions on general appropriation bills.—On March 25, 1904,¹ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, submitted the following:

The Committee on Rules, to whom was referred House resolution No. 269:

Resolved, That it shall be in order for the House in Committee of the Whole to consider so much of H. R. 13521 as is embraced between the word ‘substation,’ in line 25 of page 25, and the word ‘For,’ in line 13 on page 26, as if the same were not subject to a point of order”—have had the same under consideration, and beg leave to report the same with the recommendation that it be agreed to by the House.

Mr. Dalzell explained as follows the purpose of the rule:

The rule provides that the text of the post-office appropriation bill contained between the word “substations,” page 25, and the word “for,” in line 13, page 26, shall be in order for consideration. I will read to the House what the text of the post-office bill is as described in the rule:

“On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding \$720 per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster General may prescribe.”

In other words, the effect of the rule is to put back again into the bill that which was taken out of it yesterday upon points of order, and to afford the Committee of the Whole a chance to consider that portion of the post-office appropriation bill as if the points of order had not been made.

The resolution was agreed to by the House.

Thereupon Mr. Charles H. Grosvenor, of Ohio, submitted another resolution from the Committee on Rules for a similar purpose, and it was agreed to.

3261. On February 17, 1903,² Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented the following resolution, which was considered and agreed to:

Resolved, That it shall be in order to consider, in the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, legislation providing for increase of midshipmen, officers, and men in the line, staff corps, and Marine Corps of the Navy, and increase of limit of cost in reconstruction of Naval Academy; and it shall be in order to have a separate vote in the House, if the same be demanded, upon each of the foregoing subjects.

3262. On March 28, 1906,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported this resolution:

Resolved, That hereafter, in consideration of the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government, and for other purposes, in Committee of the Whole House on the state of the Union, it shall be in order to consider without intervention of a point of order, any section of the bill as reported, except section 8; and upon motion authorized by the Committee on Appropriations it shall be in order to insert in any part of the bill any provision reported as part of the bill and heretofore ruled out on a point of order.

After debate this resolution was agreed to, yeas 169, nays 9.

¹Second session Fifty-eighth Congress, Record, pp. 3705–3710.

²Second session Fifty-seventh Congress, Journal, p. 257; Record, pp. 2312, 2313.

³First session Fifty-ninth Congress, Record, p. 4398.

3263. On June 27, 1906,¹ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution, which was agreed to by the House:

Resolved, That during the consideration of the general deficiency appropriation bill, now pending in Committee of the Whole House on the state of the Union, it shall be in order to consider points of order, notwithstanding the paragraph relating to the ratification of the Philippine tariff, page 4, lines 17 to 26, and page 5, lines 1 and 2, as follows, viz:

“That the tariff duties, both import and export, imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.”

3264. Form of special order conferring a privileged status on a bill.—On June 28, 1902,² the Committee on Rules reported, through Air. John Dalzell, of Pennsylvania, the following resolution, which was agreed to:

Resolved, That for the remainder of this session the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes, shall have the same privilege for consideration that is enjoyed by bills reported from committees under the power to report at any time; and said bill shall be considered in the House as in Committee of the Whole.

3265. Forms of special orders providing a series of rules to regulate the consideration of a bill and fix its relations to other business.

Discussion of the purpose of using special orders by the majority side of the House. (Footnote.)

Form of report from Committee of the Whole on a bill considered under a restrictive special order.

On February 6, 1905,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution:⁴

The Committee on Rules, to whom was referred House resolution No. 484, have had the same under consideration and respectfully report the following in lieu thereof:

Resolved, That immediately on the adoption of this order and daily hereafter, immediately on the approval of the Journal, so long as the bill hereinafter referred to shall be pending in Committee of the Whole House on the state of the Union, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18588) to supplement and amend the act entitled “An act to regulate commerce,” approved February 4, 1887;

¹ First session Fifty-ninth Congress, Record, p. 9391.

² First session Fifty-seventh Congress, Journal, p. 874; Record, p. 7608.

³ Third session Fifty-eighth Congress, Record, pp. 1947, 1950, 1952.

⁴ In the course of the debate the minority leader, Mr. John Sharp Williams, of Mississippi, said: “The real object of this rule is not to cut us off from the power to extend and enlarge the provisions of the bill which we propose to offer as a substitute. * * * What you are really trying to do by this rule is to prevent this side * * * and enough men on that side added to them from doing that thing—from enacting into legislation in full those principles, our principles. * * *

“This rule is brought here for the purpose of preventing a majority of this House—composed of this side solidly, with enough of that side to make a majority—from formulating and bringing forth a bill which would accomplish this purpose. Your object in this rule is to prevent your own men from amending your own bill with our assistance.” In other words, the special order is sometimes used, apparently, as a substitute for caucus restraint on the Members of the majority party.

That after the said bill shall have been read, the Clerk shall read also the amendment in the nature of a substitute offered by the minority of the Committee on Interstate and Foreign Commerce, and printed on pages 13 and 14 of report No. 4093, which amendment shall thereupon be considered as pending;

That general debate shall continue on said bill and pending amendment until Thursday next at 3 p. m.: *Provided*, That on Wednesday next, at 12.55 p. m., the Committee of the Whole House on the state of the Union shall rise: And *provided further*, That so soon as the counting of the electoral vote shall have been completed, the Committee of the Whole House on the state of the Union shall immediately resume its sitting for further general debate on the said bill H. R. 18588;

That so soon as general debate on the said bill shall have been completed at 3 p. m. on Thursday next, the Committee of the Whole House on the state of the Union shall immediately rise and report the bill H. R. 18588, with the pending amendment in the nature of a substitute, to the House, whereupon, immediately, without debate, intervening motion, or appeal, a vote shall be taken on the amendment in the nature of a substitute heretofore described and on the bill to the final passage;

That general leave to print remarks on the bill H. R. 18588 and the substitute therefor is hereby granted for six legislative days after Thursday next;

That time of general debate, as herein provided, shall be equally divided, one half to be controlled by Mr. Hepburn, of Iowa, and the other half by Mr. Davey, of Louisiana;

And that on Tuesday, Wednesday, and Thursday the House shall meet at 11 a. m.

At the conclusion of the debate the resolution was agreed to, yeas 166, nays 139.

On February 9,¹ when the consideration of the bill in Committee of the Whole had been concluded, the committee rose and the chairman² reported that the committee had had under consideration the bill H. R. 18588, the railroad rate bill, under a special rule of the House, and in accordance with that rule reported the same and the pending substitute back to the House.

¹ Record, p. 2205.

² Frank D. Currier, of New Hampshire, Chairman.